

EXHIBIT 21

Video Deposition of John Cadden

January 31, 2024

Hendrix v. CRC Insurance Services, Inc., et
al.

2:21-CV-0300-MHH



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1	IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION 5 CASE NUMBER: 2:21-CV-0300-MHH 6 7 KATHRYN HENDRIX, 8 Plaintiff, 9 vs. 10 CRC INSURANCE SERVICES, INC., TRUIST FINANCIAL 11 CORP., and TRUIST BANK, 12 Defendants. 13 14 15 VIDEO DEPOSITION TESTIMONY OF: 16 JOHN CADEN 17 18 19 JANUARY 31, 2024 20 1:39 P.M. 21 22 23	Page 1 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Page 3 1 of the trial, or at the time said deposition is 2 offered in evidence, or prior thereto. 3 IT IS FURTHER STIPULATED AND AGREED 4 that notice of filing of the deposition by the 5 Commissioner is waived. 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23
1	STIPULATION IT IS STIPULATED AND AGREED by and between the parties through their respective counsel that the video deposition of JOHN CADDEN may be taken before Tanya D. Cornelius, RPR, CSR, and Notary Public, at the offices of Wilkinson Law Firm, P.C., 1717 3rd Avenue North, Suite A, Birmingham, Alabama, on the 31st day of January, 2024, commencing at approximately 1:39 p.m. IT IS FURTHER STIPULATED AND AGREED that the signature to and the reading of the deposition by the witness is NOT waived, the deposition to have the same force and effect as if full compliance had been had with all laws and rules of Court relating to the taking of depositions. IT IS FURTHER STIPULATED AND AGREED that it shall not be necessary for any objections to be made by counsel to any questions, except as to form or leading questions, and that counsel for the parties may make objections and assign grounds at the time	Page 2 11 12 13 14 15 16 17 18 19 20 21 22 23	Page 4 1 INDEX 2 EXAMINATION BY: PAGE NUMBER 3 MS. WILKINSON 8 4 5 * * * * * 6 7 EXHIBIT INDEX 8 PLAINTIFF'S EXHIBIT NO: PAGE NUMBER 9 58 Rule 26 Disclosures 25 10 11 12 13 14 15 16 17 18 19 20 21 22 23

1 A P P E A R A N C E S 2 3 FOR THE PLAINTIFF: 4 PALMER LAW, LLC 5 BY: Leslie A. Palmer, Esq. 6 104 23rd Street South, Suite 100 7 Birmingham, Alabama 35233 8 9 WILKINSON LAW FIRM, P.C. 10 BY: Cynthia Forman Wilkinson, Esq. 11 1717 3rd Avenue North, Suite A 12 Birmingham, Alabama 35203 13 14 FOR THE DEFENDANTS: 15 BAKER, DONELSON, BEARMAN, CALDWELL 16 & BERKOWITZ, P.C. 17 BY: Rachel Barlotta, Esq. 18 420 North 20th Street, Suite 1400 19 Birmingham, Alabama 35203 20 21 ALSO PRESENT: William Byrd, Videographer 22 Kat Hendrix	Page 5 1 Division, Case Number 2:21-CV-0300-MHH. 2 Counsel, please identify yourselves 3 for the record, starting with the plaintiff. 4 MS. WILKINSON: Cynthia Wilkinson for 5 the plaintiff, Kathryn Hendrix. 6 MS. PALMER: Leslie Palmer for the 7 plaintiff, Kathryn Hendrix. 8 MS. BARLOTTA: Rachel Barlotta for 9 CRC Insurance and Truist. 10 VIDEOGRAPHER: Will the court 11 reporter please administer the oath to the 12 witness. 13 14 JOHN CADDEN, 15 being first duly sworn, was 16 examined and testified as follows: 17 18 THE REPORTER: Will this be usual 19 stipulations? 20 MS. BARLOTTA: We're going to read 21 and sign. Thank you. 22 MS. WILKINSON: Otherwise, yes. 23
1 I, Tanya D. Cornelius, RPR, CSR, and 2 Notary Public, acting as Commissioner, certify 3 that on this date, as provided by the Federal 4 Rules of Civil Procedure, and the foregoing 5 stipulation of counsel, there came before me at 6 the offices of Wilkinson Law Firm, P.C., 1717 7 3rd Avenue North, Suite A, Birmingham, Alabama, 8 beginning at 1:39 p.m., JOHN CADDEN, witness in 9 the above cause, for oral examination, whereupon 10 the following proceedings were had: 11 12 13 VIDEOGRAPHER: We are on the record. 14 It is January 31st, 2024 at 1:39 p.m. Central 15 Standard Time. My name is William Byrd, and the 16 court reporter is Tanya Cornelius. We're here on 17 behalf of Cite Court Reporting of Montgomery, 18 Alabama. 19 This is the video deposition of John 20 Cadden, which was noticed by Cynthia Wilkinson, 21 for case Hendrix V. CRC Insurance Services, Inc., 22 et al., in the United States District Court for 23 the Northern District of Alabama, Southern	Page 6 1 EXAMINATION 2 BY MS. WILKINSON: 3 Q. Mr. Cadden, will you state your full 4 name for the record? 5 A. John Charles Cadden. 6 Q. Mr. Cadden, I'm Cynthia Wilkinson. I 7 introduced myself earlier, and I'm one of the 8 lawyers that represents Kathryn Hendrix in her 9 lawsuit that she's filed against CRC and Truist, 10 and we're here today to take your deposition. 11 Have you ever been deposed before? 12 A. I have. 13 Q. How many times? 14 A. This will be my third. 15 Q. Okay. And did any of the prior 16 depositions have anything to do with CRC or 17 Truist? 18 A. Yes. 19 Q. What were they about? What were the 20 lawsuits about? 21 A. One was an errors and omissions 22 claim, and the other one was -- it was also an 23 errors and omissions claim.

1 Q. You said there were three. 2 A. Well, this will be the third. 3 Q. Did any of those have to do with any 4 employees making any complaints? 5 A. No. 6 Q. What did you do to prepare for your 7 deposition today? 8 A. I met with my lawyer. 9 Q. And I don't want to know today about 10 anything that you've discussed with counsel for 11 CRC or Truist. That's confidential. I don't 12 want to know. When did you meet with your 13 lawyer, though? 14 A. Yesterday -- no, two days ago. 15 Q. And how long did you meet? 16 A. From about 10:00 to about 1:15. 17 Q. Did you review any documents? 18 A. Oh, yeah. 19 Q. Do you recall what documents you 20 reviewed? 21 A. Some text messages, some payroll 22 information. I think that was about it. 23 Q. And the text messages that you	Page 9 1 A. I did actually. 2 Q. Do you recall what you said in your 3 message? 4 A. Basically what I said in my text 5 message. 6 Q. Why did you reach out to Kathryn 7 Hendrix? 8 A. Ron Helveston called me in his office 9 and said that he had had breakfast with her. I 10 believe it was a breakfast meeting, I believe, 11 and that she was unhappy and for me to -- he 12 would appreciate it if I could reach out to her 13 and see if I could see what the problem was and 14 see if I could fix it, which I did. 15 Q. And did Mr. Helveston say anything 16 else about Kathryn's complaints, why she was 17 unhappy? 18 A. I don't recall. 19 Q. I'm sorry? 20 A. I don't recall. That was four years 21 ago. 22 Q. Did the conversation you had with Mr. 23 Helveston take place over the phone or in person?
1 reviewed, who -- what were the individuals that 2 were involved in either sending or receiving 3 those text messages? 4 A. It was one -- well, the only text 5 message was from me to Kathryn Hendrix. 6 Q. And what was that about? 7 A. I reached out to see how she was 8 doing, asked her to call me. I called her -- I 9 called before I texted her actually, and she 10 chose not to respond back to either one of those. 11 Q. When you called her, did you call her 12 on a personal phone or a phone that was owned by 13 either CRC or Truist? 14 A. I called her on my CRC phone. 15 Q. And did she at some point have a 16 phone that was issued by either CRC or Truist, a 17 company phone? 18 A. I don't know. 19 Q. Do you recall when you called Kat 20 Hendrix? 21 A. It's in my phone. I could find that 22 for you if you would like. 23 Q. Did you leave a message?	Page 10 Page 11 1 A. No, it was in his office. 2 Q. Was anybody else present? 3 A. No. 4 Q. Do you know how long that 5 conversation took? 6 A. I don't know, a few minutes. I would 7 say ten minutes. I'm sure we talked about other 8 things as well. 9 Q. So the testimony has been that 10 Kathryn and Mr. Helveston had -- they met for -- 11 at a restaurant, and Kathryn complained to Mr. 12 Helveston, and this was sometime in June of 2019. 13 Do you recall when you had this conversation with 14 Ron Helveston? 15 MS. BARLOTTA: Object to form. 16 A. It was -- it's going to be on the 17 text message. It was the same day of the text 18 message that I sent. 19 Q. And was it the same day that Mr. 20 Helveston had spoken with Kathryn Hendrix? 21 A. I do not know. 22 Q. Tell me everything you recall about 23 that conversation that Mr. Helveston said.

1 A. Like I said, he asked me to call her, 2 she was unhappy, see if I could figure out what 3 was wrong, and how to make her happy. I did. 4 She didn't respond back. 5 Q. And did you ask Mr. Helveston any 6 questions when he told you to contact Kathryn 7 Hendrix? 8 A. No. 9 Q. Did you ask him why Kat was unhappy? 10 A. I don't recall. I don't know. That 11 was four years ago. I don't know. 12 Q. So you could have? You just don't 13 recall? 14 MS. BARLOTTA: Object to form. 15 A. I don't recall, no. I don't recall. 16 Q. And for the record, Kat -- Kathryn 17 goes by Kat as well; is that your understanding? 18 A. I'm not that close with her. I don't 19 know. 20 Q. What did you refer to her as, 21 Kathryn? 22 A. Kathryn. 23 Q. And do you know how long Kathryn had	Page 13	1 really quickly -- by the way, I love your 2 glasses. 3 A. Thank you. 4 Q. In depositions we have to be sure -- 5 because while there is a video, the court 6 reporter is also taking down a transcript. So if 7 you would, just be sure to answer verbally -- 8 A. Sure. 9 Q. -- yes or no. I say uh-huh (positive 10 response) and huh-uh (negative response) because 11 I grew up southern. So if you do that, I might 12 try to correct you to say yes or no. 13 A. Sure. 14 Q. I'm not trying to be rude. I just 15 want to make sure the record is clear. 16 A. No. 17 Q. So you had not seen this prior to 18 counsel showing it to you last week? 19 A. Correct. Earlier this week. 20 Q. Earlier this week. So do you know 21 where that document, that chart came from? 22 A. I mean, it was generated in our 23 computer system, but that's about all I've got	Page 15
1 been employed at the time that you had this 2 conversation with Mr. Helveston? 3 A. I don't. 4 Q. It had been many years, though, 5 right? 6 MS. BARLOTTA: Object to form. 7 A. I don't know. We can go back and 8 look, but -- 9 Q. Sure. Let me show you a document 10 that might help. At least I hope it will. 11 Let me show you, Mr. Cadden, what we 12 previously marked as Plaintiff's Exhibit 27. 13 Have you ever seen this document before? 14 A. I have. 15 Q. And when did you see this document? 16 A. Tuesday. Tuesday, I believe. 17 Earlier this week. 18 Q. In preparation for your deposition? 19 A. Yes. 20 Q. Yes? 21 A. Yes. 22 Q. And, Mr. Cadden, one of the things 23 that I didn't go over, but let me go over it	Page 14	1 for you. 2 Q. You don't know who generated it? 3 A. I have no idea. 4 Q. Did you see Kathryn Hendrix's EEOC 5 charge? 6 A. I did not. 7 Q. Did you know that she filed a charge 8 of discrimination? 9 A. I did. 10 Q. How did you find out about that? 11 A. I believe Stefani Petty in our HR 12 department let me know that. 13 Q. And when did Ms. Petty let you know 14 that Kathryn had filed a charge of 15 discrimination? 16 A. I can't recall exactly. I'm sure it 17 was right after that happened. 18 Q. What did she tell you about the 19 charge? 20 MS. BARLOTTA: No, no, no. The Court 21 has already ruled they can't get into this. 22 We're not going to talk about that. 23 Q. What do you understand that Ms.	Page 16

1 Hendrix was complaining about when she filed her 2 charge with the EEOC? 3 MS. BARLOTTA: Object to form. If 4 that involves anything that was discussed in that 5 call, you shouldn't testify as to that. 6 A. I do not -- I can't recall. 7 Q. You just don't know? 8 A. I don't. It's something that our HR 9 people took off running with, and I'm not 10 involved in that day-to-day. 11 Q. Okay. We'll come back to that. 12 Looking at Plaintiff's Exhibit 27, do 13 you see Ms. Hendrix's name? 14 A. I do. 15 Q. And what is her hire date? 16 A. It looks like 10/1/23 -- no, I'm 17 sorry -- 2006. 18 Q. Okay. So she had -- by the time -- 19 and we're going back to this conversation with 20 Mr. Helveston. By the time that you had had this 21 conversation with Mr. Helveston about Kathryn 22 being unhappy, she had been working there -- and 23 this happened in 2019 -- for almost, what,	Page 17	1 Q. Okay. And prior to being president, 2 had you worked for CRC or Truist? 3 A. Yes. 4 Q. What was your position prior to being 5 president? 6 A. I was a property broker. 7 Q. How long were you a property broker? 8 A. Well, I still am. I've been there 9 since 1990. 10 Q. So you have a dual role as president 11 and property broker? 12 A. I do. 13 Q. And was Kathryn in the property 14 department? 15 A. She was not. 16 Q. And tell me how long you were just a 17 property broker before you became president. How 18 long were you a property broker? 19 A. From 1990 until 2009, I believe. 20 Q. Okay. Any other job title that you 21 have held with either CRC or Truist? 22 A. No. 23 Q. Were you hired on in 1990?	Page 19
1 thirteen years? 2 A. At the time. 3 MS. BARLOTTA: Object to form. 4 Q. And during that thirteen-year time 5 period, were you also employed at CRC or Truist? 6 A. I was. 7 Q. And did you know who Kathryn Hendrix 8 was at the time that you had this conversation 9 with Mr. Helveston? 10 A. I did. 11 Q. Okay. And does CRC or Truist have a 12 policy where they like to keep good employees? 13 MS. BARLOTTA: Object to form. 14 A. We want to keep all good employees. 15 I don't think we have a policy about that, but -- 16 Q. And your current position is what? 17 A. Office president. 18 Q. And how long have you been the 19 president? 20 A. 2009, I believe. 21 Q. And is that for the Birmingham office 22 or does it extend beyond Birmingham? 23 A. The Birmingham office.	Page 18	1 A. I was. 2 Q. And as the president, and even as a 3 property broker, do you like to keep good 4 employees? 5 MS. BARLOTTA: Object to form. 6 A. Yes. 7 Q. And does it cost the company money to 8 train new employees? 9 MS. BARLOTTA: Object to form. 10 A. Yes. 11 Q. And to your knowledge, by the time 12 that you had this conversation with Mr. 13 Helveston, was Kathryn a good employee? 14 MS. BARLOTTA: Object to form. 15 A. I never had any dealings with her. 16 I'm not sure. She reported to somebody else 17 besides me. 18 Q. Are you aware of any issues with her 19 performance at the time that you were having this 20 conversation with Mr. Helveston? 21 A. No. 22 Q. And if you've got an employee that's 23 been there thirteen years and you're told that	Page 20

1 they're unhappy, do you want to find out why? 2 MS. BARLOTTA: Object to form. 3 A. Yes. 4 Q. And wouldn't it have been important 5 to ask Mr. Helveston why? 6 MS. BARLOTTA: Object to form. 7 A. I thought it was more important to 8 ask Ms. Hendrix, so I called her. 9 Q. But would it be important to also ask 10 Mr. Helveston? 11 MS. BARLOTTA: Asked and answered. 12 Object to the form. 13 A. Sure. And we may have discussed it. 14 That was -- 15 Q. You just don't know? 16 A. That was four years ago. I'm sure we 17 discussed it. 18 Q. Okay. What was Mr. Helveston's title 19 at the time that y'all had this conversation? 20 A. He was president of the company, the 21 entire brokerage division of the company. 22 Q. Okay. And explain that to us for the 23 record. You were the president for Birmingham,	Page 21	1 worked about her being out, her being unhappy, 2 anything about Kathryn Hendrix at that time? 3 MS. BARLOTTA: Object to form. 4 A. If I would have did it, it would have 5 been Rusty Hughes. I'm sure -- it was his 6 department, so I'm sure I would have reached out 7 to Rusty. 8 Q. Okay. Do you recall what you and 9 Rusty would have talked about? 10 MS. BARLOTTA: Object to form. 11 A. I'm sure we would have talked about 12 what was going on. I reached out to her, and she 13 hadn't called me back at the time. 14 Q. What did Rusty tell you? 15 A. I don't recall that. 16 Q. Do you recall anything that Rusty 17 told you? 18 MS. BARLOTTA: Object to form. 19 A. I don't. 20 Q. Did you take any notes or jot 21 anything down when you had this conversation with 22 Mr. Helveston or Rusty Hughes? 23 A. I did not.	Page 23
1 and he was president for the entire company. 2 What's the difference? 3 A. I oversee one office. He oversaw 4 all -- I'm not sure how many offices we had at 5 the time, but all the offices. 6 Q. Do you recall any other offices? 7 MS. BARLOTTA: Object to form. 8 A. We have like fifty, every major city 9 in the country, so -- 10 Q. Okay. Did you know at the time that 11 you had this conversation with Mr. Helveston 12 about Kathryn being unhappy and you tried to call 13 her, that Kathryn was on family medical leave? 14 A. I did not know that. 15 MS. BARLOTTA: Object to form. 16 Q. Did you have a conversation at that 17 time -- when Mr. Helveston came to you and said 18 Kathryn is unhappy and y'all discussed why, did 19 you have any conversations with anybody in human 20 resources? 21 A. I can't recall that. 22 Q. Did you have any conversations with 23 anybody else in the department that Kathryn	Page 22	1 Q. Do you recall sitting here today any 2 of the reasons that you and Mr. Helveston 3 discussed as to why Kathryn was unhappy? 4 A. I do not. 5 Q. Did Mr. Helveston indicate to you 6 that Kathryn had issues with gender 7 discrimination? 8 MS. BARLOTTA: Object to form. 9 Assumes facts not in evidence. 10 A. I don't recall that. 11 Q. Did Mr. Helveston indicate anything 12 to you that Kathryn had raised issues or concerns 13 that had anything to do with her being treated 14 differently because of her gender? 15 MS. BARLOTTA: Object to form. 16 A. I don't recall any of that. 17 Q. So you're not saying it didn't 18 happen. You're just saying sitting here today 19 you don't recall? 20 MS. BARLOTTA: Object to form. 21 A. Yeah, I'm saying I don't recall. He 22 just asked me to call her, she was unhappy, and I 23 did.	Page 24

1 Q. Mr. Cadden, let me show you what I'm 2 going to mark as Plaintiff's Exhibit 58 . 3 (Whereupon, Plaintiff's Exhibit No. 4 58 was marked for identification and a copy of 5 same is attached hereto.) 6 Q. These are initial Rule 26 7 disclosures, and that's a lawyer term for the 8 parties have to share information about potential 9 witnesses. 10 Did you know that your name was 11 listed as an individual that had discoverable 12 information regarding Kathryn Hendrix and her 13 claims? 14 A. I'm not sure exactly what you just 15 said, but -- 16 Q. Okay. 17 A. Maybe. I don't know. I'm not sure 18 what you said, so could you ask that question 19 differently maybe? 20 Q. Sure. Look at Number 6. It's on 21 Page 3, Mr. Cadden. 22 A. Okay. 23 Q. Do you see your name?	Page 25 1 A. I didn't. 2 Q. -- reviews that Ms. Hendrix was 3 given? 4 A. No. 5 Q. Did anybody discuss her performance 6 with you at any time? 7 A. No. 8 Q. As president and a property broker, 9 would you have an occasion to have had any input 10 in any performance evaluation for Kathryn 11 Hendrix? 12 A. No. 13 Q. Okay. Did anybody raise any 14 performance issues to you about Kathryn Hendrix? 15 MS. BARLOTTA: Object to form. 16 A. No. 17 Q. When you had this conversation with 18 Mr. Helveston, did he tell you that he had 19 offered to move Kathryn to another department? 20 MS. BARLOTTA: Object to form. 21 A. I do not recall that. 22 Q. Okay. So you're not saying it didn't 23 happen. You're just saying you don't recall?	Page 27
1 A. I do. 2 Q. And it says: Mr. Cadden was 3 Birmingham's office president and has knowledge 4 of plaintiff's job performance and the concerns 5 plaintiff voiced to Mr. Helveston. 6 Anything else that you recall about 7 the concerns that Kathryn Hendrix reported to Mr. 8 Helveston other than what you've already told us? 9 A. No. 10 Q. And what information do you have 11 about Kathryn Hendrix's job performance? 12 A. I'm sorry. Say that again. 13 Q. Sure. What information do you have 14 about Ms. Hendrix's job performance? 15 A. What are you specifically looking 16 for? I don't have anything about her job 17 performance. 18 Q. Okay. The -- 19 A. I'm sure there's a -- I don't have 20 any -- I don't have anything for her performance. 21 That goes to, what do you call it, performance 22 review possibly, but that's -- 23 Q. Did you review any performance --	Page 26 1 MS. BARLOTTA: Object to form. 2 A. Yes, I don't recall. 3 Q. Okay. Did you and Mr. Helveston 4 e-mail each other at any point about Kathryn's 5 complaints to him? 6 A. Not to my knowledge, no. 7 Q. Did you or Mr. Helveston say anything 8 about contacting human resources with regard to 9 the complaints that Kathryn had reported to Mr. 10 Helveston? 11 MS. BARLOTTA: Object to form. 12 A. No. 13 Q. Where was HR located? 14 MS. BARLOTTA: Object to form. 15 Q. In 2019? 16 MS. BARLOTTA: Object to form. 17 A. North Carolina. 18 Q. Okay. There wasn't an on-site human 19 resources person in the Birmingham office? 20 A. No, not at that time. 21 Q. And who -- in 2019, do you recall who 22 would have been the head of human resources? 23 MS. BARLOTTA: Object to form.	Page 28

1 A. I -- I don't recall. Stefani Petty 2 maybe. I'm not sure. 3 Q. And in 2019, had Stefani Petty ever 4 visited the Birmingham office? 5 MS. BARLOTTA: Object to form. 6 A. I'm sure she had. 7 Q. Do you recall specifically? I don't 8 want you to guess. I mean, do you recall her 9 coming to the office in 2019? 10 MS. BARLOTTA: Object to form. 11 A. No. 12 Q. Do you recall from -- I'm trying to 13 keep my time limits, you know, so you'll know 14 we're all on the same page what we're talking 15 about. 2019, 2020, do you have any idea if Ms. 16 Petty visited Birmingham and, if so, how often? 17 MS. BARLOTTA: Object to form. 18 A. I'm not sure she came at all. I 19 don't. 20 Q. While you've worked at CRC or 21 Truist -- and for the record, Truist purchased 22 CRC; is that correct? 23 A. Correct.	Page 29	Page 31
1 Q. Okay. Do you recall what year? 2 A. 2000, I believe, 2001. 3 Q. And while you've worked at CRC -- 4 MS. WILKINSON: Would you hand me a 5 big clip if you don't mind? 6 Q. -- or Truist, have you ever seen -- 7 have you ever seen the employee handbook? 8 A. I have. 9 Q. Let me show you what we previously 10 marked as Plaintiff's Exhibit 26. And, Mr. 11 Cadden, if you need to unclip that, feel free to 12 do so. They are numbered, so it's perfectly 13 okay. 14 This is a 2019 Excellence Associate 15 Handbook. Did this handbook apply to all 16 employees? 17 A. Yes. 18 Q. Including you? 19 A. Absolutely. 20 Q. Was there a separate handbook for 21 people in management or people at your level? 22 A. No. 23 Q. Okay. And was this a handbook that	Page 30	Page 32

1 numbers. If you'll flip to 288, please. 2 A. Okay. 3 Q. Let me ask you this: Were you ever 4 trained on this 2019 handbook, either 5 electronically or in person? 6 MS. BARLOTTA: Object to form. 7 A. Trained may be the -- we were asked 8 to read it and sign documents that we did read it 9 and that we agreed to abide by it. 10 Q. And who would have asked you to read 11 the handbook and sign a document saying you have 12 read it and you will agree to abide by it? 13 A. It's an e-mail that comes from 14 Truist. I'm not sure who sent it, but -- 15 Q. Would you have done that 16 electronically? 17 A. Yes. 18 Q. And is that done every year by 19 Truist? 20 A. Yes. 21 Q. So there would be an e-mail from all 22 the employees when this 2019 handbook came out 23 where they have signed off that they've read it	Page 33	1 plantation owners? 2 MS. BARLOTTA: Object to the form. 3 A. Not until now. 4 Q. Did you know that they owned slaves? 5 MS. BARLOTTA: Object to form. 6 A. No. 7 Q. Did you know that they took slaves as 8 collateral? 9 MS. BARLOTTA: Object to form. 10 A. No. 11 MS. BARLOTTA: Cynthia, what has this 12 got to do with this case? 13 Q. Did you ever see the statements sent 14 out by the president of BB&T renouncing this 15 prior racist history? 16 A. No. 17 MS. BARLOTTA: Cynthia, you did this 18 with Rusty. Like what -- please, like explain 19 how this is proper under Rule 26. This has 20 nothing to do with Ms. Hendrix's claims. 21 Q. Have you seen anything at BB&T or 22 Truist -- 23 MS. BARLOTTA: Don't answer the	Page 35
1 and agreed to abide by it; is that correct? 2 MS. BARLOTTA: Object to form. 3 A. There should be, but, I mean, I would 4 think Truist would follow up on that if they 5 didn't. So I'm not sure to be accurate. 6 Q. As president for the Birmingham 7 office, did you have any responsibility to make 8 sure that the employees were trained on the 9 handbook? 10 MS. BARLOTTA: Object to form. 11 A. No. That was a Truist thing. 12 Q. Okay. Was there anybody on-site that 13 had responsibility to make sure employees were 14 trained on the handbook? 15 MS. BARLOTTA: Object to form. 16 A. No. 17 Q. Under BB&T's history, it talks about 18 the Civil War. Did you know that the founders of 19 BB&T were -- that they fought in the Civil War 20 for the Confederacy? 21 MS. BARLOTTA: Object to form. 22 A. Not until now. 23 Q. Did you know that they were	Page 34	1 question until I have a response, because she's 2 way outside the scope of Rule 26. 3 Q. Have you seen anything at BB&T and 4 Truist indicating that they are implementing 5 policies to make sure specifically that blacks 6 and women are represented in the company? 7 MS. BARLOTTA: During when, what 8 timeframe? 9 Q. Since 2019, 2020. 10 MS. BARLOTTA: Who? Like separate 11 from the handbook? 12 Q. Have you seen anything separate from 13 the handbook, any e-mails or notices to indicate 14 that BB&T/Truist was going to review and make an 15 effort to make sure that women and blacks were 16 represented in the company? 17 MS. BARLOTTA: If you understand the 18 question. I don't understand. If you understand 19 the question, you can answer it. 20 Q. Let me -- I'll rephrase it. So I 21 googled the company. 22 A. Okay. 23 Q. And that's where I found out that the	Page 36

1 founders were racists and that they took slaves 2 and that the president had renounced it and 3 issued a statement to the press. It's all over 4 Google. 5 And that as a result of that, 6 BB&T/Truist implemented practices to review the 7 workforce in 2019, 2020, I think it was actually 8 in 2020, to make sure that specifically blacks 9 and women were fairly represented in the 10 workforce. 11 Did you see any policies stating that 12 in 2020? 13 MS. BARLOTTA: Object. Move to 14 strike counsel's testimony in the case. 15 A. Can I answer that? 16 Q. Sure. 17 MS. BARLOTTA: If you understand, 18 yeah, answer. 19 A. I just want to make sure I answer 20 your question. Are you asking me did the 21 company -- did the company send an e-mail or a 22 communication to the employees to hire blacks and 23 women?	Page 37	1 Q. Look at Bates Number 305 -- I'm 2 sorry -- 304. 3 A. Okay. 4 Q. Do you see on the right-hand side 5 where the heading is Equal Opportunity and 6 Affirmative Action? 7 A. I do. 8 Q. And this would have been a handbook 9 that you would have been trained on and signed 10 off on in 2019? 11 A. Yes. 12 Q. Flip to the next page, Bates Number 13 305. Do you see on the right-hand up at the top 14 where it says Affirmative Action? 15 A. I do. 16 Q. It says: BB&T is an affirmative 17 action employer and strives to make certain that 18 women, people of color, the disabled, and 19 protected or disabled veterans are fairly 20 represented at all levels within the 21 organization. 22 Did I read that correctly? 23 A. I believe so.	Page 39
1 Q. Or to do a review of the number of 2 black employees and female employees. 3 A. No, I've never seen that or never 4 heard anything about that. 5 Q. Has anybody in Birmingham since 2020 6 come in and done a review of the number of black 7 employees and female employees in the workforce 8 in Birmingham in all positions and departments? 9 MS. BARLOTTA: Object to form. 10 A. If they have, I do not know about it. 11 Q. Okay. You've never done that? 12 A. No. 13 Q. And you're not aware of that being 14 done in Birmingham? 15 A. I'm not. 16 Q. Okay. 17 MS. WILKINSON: Have we marked this? 18 MS. PALMER: Maybe 41. 19 Q. (BY MS. WILKINSON:) Did you -- do 20 you know, Mr. Cadden, that BB&T/Truist has an 21 affirmative action policy? 22 MS. BARLOTTA: Object to form. 23 A. No, I didn't know that.	Page 38	1 Q. And you didn't aware that that was 2 the policy -- sitting here today, you were not 3 aware that that was the policy until I showed 4 that to you? 5 A. Yes. 6 Q. Okay. Do you see that it 7 specifically references women and people of 8 color? 9 A. I do see that. 10 Q. And disabled people and disabled 11 veterans? 12 A. I see that. 13 Q. Those are the only protected 14 categories listed in that section; is that 15 correct? 16 MS. BARLOTTA: Object to form. 17 A. I believe so. 18 Q. Have you as the president ever done a 19 review of the Birmingham office to determine how 20 many women versus how many men are in particular 21 positions? 22 A. I have not, no. 23 Q. Is it safe to say that the broker	Page 40

1 business at CRC, Truist is a male dominated 2 field? 3 MS. BARLOTTA: Object to form. 4 A. The wholesale business? 5 Q. Your business. 6 A. It's not male dominated. 7 Q. When Kathryn Hendrix was there, when 8 she raised these concerns to Mr. Helveston, do 9 you know how many female brokers worked in her 10 department? 11 MS. BARLOTTA: Object to form. 12 A. 2019? Two maybe. Susan Phillips 13 would be one, Cathy Reeves. Who else? Probably 14 at that time. 15 Q. Look back -- keep the handbook open, 16 but look back at Plaintiff's Exhibit 27, Mr. 17 Cadden, the chart that I showed you earlier. 18 This was sent by CRC and Truist to 19 the Equal Employment Opportunity Commission in 20 response to Kathryn Hendrix's EEOC charge, and it 21 lists the gender of everyone. How many female 22 brokers do you see? 23 MS. BARLOTTA: Object to form.	Page 41	1 employed. 2 Q. Did you hire Melissa Raspino? 3 A. I did not. 4 Q. Who did? 5 A. I would imagine Tom Curtin -- well, 6 Skip Cooper would have hired her. He ran the 7 department at the time. 8 Q. And she's the only one that's still 9 there? 10 A. Correct, in Birmingham. 11 Q. So there's only one out of five in 12 Birmingham right now? 13 A. Correct. 14 Q. And when did Leslie -- did she leave 15 before she passed away? 16 A. Yes. 17 Q. When did she leave? 18 A. Pre-Covid. She moved to Mobile. But 19 I can't tell you exactly when. She passed away 20 last year. 21 Q. When was Melissa Raspino hired? 22 A. 1991, '92. 23 Q. Okay. And when was Leslie hired?	Page 43
1 A. One. 2 Q. And how many property brokers are you 3 aware of that have been female? 4 A. Property brokers, one -- well, at 5 what timeframe are you looking for? 6 Q. Since you've been involved with the 7 property broker department. 8 A. One, two, three, four -- four. 9 Q. Out of how many? 10 A. We have five brokerage teams 11 currently. 12 Q. Are there four women out of five 13 brokers? 14 A. No, not today. You said from the 15 time of CRC. So the company has grown, and some 16 of those people have left our employment, and one 17 has passed away. 18 Q. So name the females that you were 19 referring to. 20 A. Alison Oliphant, Suzanne Brandt, by 21 the way, our largest brokerage production person 22 in our company at the time. Leslie Jordan, who's 23 deceased. Melissa Raspino, who's currently	Page 42	1 A. I can't recall. I mean, I could go 2 find that information, but I can't recall that. 3 Q. Who replaced Leslie? A male broker? 4 MS. BARLOTTA: Object to form. 5 A. No. That job just kind of -- her 6 book got just dissolved, spread to brokers around 7 the office. 8 Q. Who were the brokers that got her 9 book? 10 A. I can't recall that, but I would say 11 Paul Martin, Trey Nelson, maybe Melissa may have 12 got some of that. I'm not sure. 13 Q. So you don't know if Melissa got any? 14 MS. BARLOTTA: Object to form. 15 A. I don't -- I don't recall. 16 Q. Are you certain -- 17 A. It wasn't that big a book to 18 disburse, but -- 19 Q. But Paul and Trey did get a portion 20 of Leslie's book? 21 A. I don't recall. Paul -- she worked 22 with Paul previously, so he may have -- some of 23 those accounts were probably his, and he probably	Page 44

1 took them back, so -- I got one of those. I 2 should say I got one. 3 Q. What about Ms. Brandt? When was she 4 hired? 5 A. Oh, before we sold it to Truist. 6 1993-ish, '4-ish. 7 Q. Is she still employed there? 8 A. She's not. 9 Q. And who replaced her? 10 A. Alison Oiphant. 11 Q. And why did Ms. Brandt leave? 12 A. She moved to Atlanta. I can't -- I 13 don't -- I was just a co-worker. I didn't have 14 anything to do with that. 15 Q. Do you recall when Ms. Brandt left? 16 A. It was right after -- it was after we 17 sold to Truist, so 2000 -- I don't know. I don't 18 know. 2003, '4, somewhere in there maybe. 19 Q. And when did Alison Oiphant get 20 hired? 21 A. I don't know. That was -- I'm not 22 sure. I don't recall. 23 Q. Who hired Ms. Oiphant?	Page 45	1 Johnston? 2 A. She did. 3 Q. And is Lauren still there? 4 A. She's not. 5 Q. And what was her position? 6 A. She was at -- well, she was an 7 account executive in property, I believe, and 8 then she had the opportunity to go to our 9 professional liability department. She did with 10 Lee McClure, and she became an inside broker 11 there. 12 And she moved to Arizona, I believe, 13 somewhere west, and worked for us remotely for a 14 while, and then resigned. She decided she didn't 15 want to be in the insurance business any longer. 16 Q. When did she move from property to 17 professional liability? 18 A. I don't have that data. I could 19 figure it out. 20 Q. Before or after Covid? 21 A. Before Covid. 22 Q. Do you know why she moved from 23 property to professional liability?	Page 47
1 A. Skip Cooper. 2 Q. And Ms. Oiphant, is she still there? 3 A. She's not. 4 Q. When did she leave? 5 A. 2000 -- I don't know. 2015, '16, 6 somewhere in there maybe, '17. 7 Q. And who were the male brokers in 8 property? 9 A. Paul Martin, myself, Trey Nelson, 10 Phillip Young. 11 Q. Any other male brokers that have 12 worked in property? 13 A. Mason Johnston. He's no longer with 14 the company. 15 Q. Why did he leave? 16 A. He had a better opportunity somewhere 17 else, I guess. 18 Q. Where did he go? 19 A. RT Specialty. 20 Q. When did he leave? 21 A. August the 30th of 2020, I believe it 22 was. 23 Q. Did Lauren Lindberg work around Mason	Page 46	1 A. She had the opportunity to make more 2 money going to the professional liability 3 department. 4 Q. Did Lauren Lindberg ever complain to 5 you about Mason Johnston? 6 A. I'm sure she did. A lot of people 7 complained about Mason Johnston. 8 Q. What were some of the complaints 9 about Mason Johnston? 10 A. He was just hard to work with. 11 Q. Why was he hard to work with? 12 A. He was just -- some people are hard 13 to work with, and some aren't. He was just very 14 demanding. 15 Q. Since you've gone over the handbook 16 every year since you've been employed with either 17 CRC or Truist, did you understand that gay people 18 should not be discriminated against? 19 A. Yeah. 20 MS. BARLOTTA: Object to form. 21 Q. And you understand that it was 22 against the policy to make derogatory comments 23 about gay people?	Page 48

1 MS. BARLOTTA: Object to form. 2 A. I'm sorry. Say that again. 3 Q. That it was against the policy to 4 make derogatory comments about gay people. 5 MS. BARLOTTA: Object to form. 6 A. Yes. I don't need a handbook to tell me that, but yes. 8 Q. Okay. And did Lauren Lindberg 9 complain to you about an e-mail she got from 10 Mason Johnston where he said all gay people need 11 to go to hell? 12 MS. BARLOTTA: Object to form. 13 A. I do not know anything about that. 14 Q. Was Lauren Lindberg at the time she 15 was in property openly gay? 16 A. I mean, I knew she was gay, but I don't know if she was just walking around with a -- telling everybody. 19 Q. Did she make any comments about Mason 20 Johnston making derogatory comments about her 21 being gay? Did she complain about that to you at 22 all? 23 MS. BARLOTTA: Object to form. Asked	Page 49 1 effect, that would violate CRC/Truist's policies, 2 right? 3 MS. BARLOTTA: Object to form. 4 A. Yes. 5 Q. And CRC and Truist have a zero 6 tolerance policy when it comes to discrimination, 7 correct? 8 MS. BARLOTTA: Object to form. 9 A. Yes. 10 Q. And why is there a zero tolerance 11 policy when it comes to discrimination? 12 MS. BARLOTTA: Object to form. 13 A. Because it's wrong. 14 Q. It's illegal? 15 MS. BARLOTTA: Object to form. 16 Q. Correct? 17 A. Yes. 18 Q. And it can subject the company to 19 liability, correct? 20 MS. BARLOTTA: Object to form. 21 A. Yes. 22 Q. And if Mason Johnston sent an e-mail 23 saying all gay people go to hell, should he have	Page 51 Page 50 1 and answered. 2 A. No. 3 Q. Because she says she complained to 4 you about it and said she was going to quit. You 5 don't remember that? 6 MS. BARLOTTA: Object to -- 7 A. No. 8 MS. BARLOTTA: Object to form. 9 Q. Do you recall seeing an e-mail from 10 Mason Johnston where he said all gay people go to 11 hell? 12 MS. BARLOTTA: Object to form. 13 A. I don't recall seeing that. If I did, I don't recall that, but -- 15 Q. Do you recall anybody talking about 16 an e-mail from Mason Johnston where he made 17 reference to all gay people going to hell? 18 MS. BARLOTTA: Object to form. Asked 19 and answered. 20 A. I don't recall that. 21 Q. And if Mason Johnston sent this 22 e-mail to Lauren Lindberg or anybody and said, 23 All gay people go to hell, or words to that	Page 52 1 been fired? 2 MS. BARLOTTA: Object to form. 3 A. Did he send that e-mail? 4 Q. He did. 5 MS. BARLOTTA: She -- if he sent it, 6 it hasn't been produced. I haven't seen it, so 7 I -- 8 A. I haven't seen that e-mail. I don't recall seeing that e-mail. 10 MS. BARLOTTA: And if they have it, 11 they haven't turned it over or produced it. 12 MS. WILKINSON: We don't have the 13 e-mail. We wish that y'all would give it to us. 14 Q. (BY MS. WILKINSON:) But it is our 15 understanding from talking to witnesses that 16 Lauren complained directly to you, said she would 17 quit, and you moved her out of the department? 18 A. I believe you said she showed me a copy of the e-mail, and I don't think I said that -- I don't believe I saw that. I'm comfortable I didn't see it or I would have done something about it, so -- 23 Q. Did she verbally tell you about this
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<p>1 e-mail?</p> <p>2 A. No. What you said was she showed me 3 an e-mail. That's what you said, that she showed 4 me an e-mail.</p> <p>5 MS. BARLOTTA: She's going to say a 6 lot of things today whether it's accurate or not, 7 so just be warned.</p> <p>8 A. I'll give you honest answers, but 9 give me honest questions.</p> <p>10 Q. Well, I --</p> <p>11 A. That's not an honest question.</p> <p>12 That's not an honest question.</p> <p>13 Q. John, did Lauren ever complain to you 14 or say to you anything to indicate that Mr. Mason 15 has said anything to her about gays or made any 16 derogatory comments about gays?</p> <p>17 A. She said Mason was an ass, but that 18 has nothing to do with -- I mean, he was an ass 19 about a lot of things.</p> <p>20 Q. Yes or no, did Lauren Lindsey [sic] 21 ever say to you that Mason had said anything to 22 her negative about her being gay?</p> <p>23 A. No.</p>	<p>Page 53</p> <p>1 over and over because you don't like his answers.</p> <p>2 Q. Did anybody at any point ever 3 complain about Mason Johnston saying anything 4 that was derogatory or negative about gay people?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 A. I've never heard Mason Johnston say 7 anything negative about gay people.</p> <p>8 Q. That wasn't my question, Mr. Cadden.</p> <p>9 My question was --</p> <p>10 A. That's all I have knowledge to.</p> <p>11 That's all I have.</p> <p>12 Q. Okay. Did any employee, any employee 13 ever say anything that you're aware of or raise 14 any concerns about Mason Johnston saying anything 15 that was derogatory about gay people?</p> <p>16 MS. BARLOTTA: Object to form. Asked 17 and answered.</p> <p>18 A. No, not that I know of. Not that I 19 recall. I don't know. We would have dealt with 20 that.</p> <p>21 Q. Was Mason Johnston ever disciplined 22 for saying anything derogatory about gay people?</p> <p>23 MS. BARLOTTA: Object to form. Asked</p>
<p>1 MS. BARLOTTA: Object to the form.</p> <p>2 Asked and answered.</p> <p>3 Q. Did she ever indicate to you that 4 Mason had ever done or said anything negative or 5 derogatory about gay people?</p> <p>6 MS. BARLOTTA: That's the same 7 question. Asked and answered.</p> <p>8 A. No.</p> <p>9 Q. You never had that conversation with 10 Lauren? Because --</p> <p>11 MS. BARLOTTA: Cynthia, enough.</p> <p>12 No, you don't need to answer. You've 13 answered it twenty times. Move on.</p> <p>14 Q. I just want to make sure I'm clear 15 before I move on to this, because --</p> <p>16 MS. BARLOTTA: You -- just because 17 you don't like his answer, doesn't mean you get 18 to keep asking the same question over and over 19 again. Move on.</p> <p>20 Q. I'm sorry your lawyer is interrupting 21 me.</p> <p>22 MS. BARLOTTA: I'm sorry you're not 23 asking -- you keep asking him the same questions</p>	<p>Page 54</p> <p>1 and answered.</p> <p>2 A. Not -- not in direction of mine. I 3 don't recall him ever doing that, and no, I -- 4 no.</p> <p>5 Q. When you said that you -- you said 6 that Lauren Lindsey told you that Mason Johnston 7 was an ass. Did she say why she believed that 8 Mason Johnston is an ass?</p> <p>9 A. I'm sure she did.</p> <p>10 Q. Do you recall what she said?</p> <p>11 A. I can't recall what she said or what 12 other people have said, so I'm -- I can't recall 13 that.</p> <p>14 Q. Other than Lauren Lindsey, who 15 else -- can you name anybody else that had raised 16 any concerns about Mason Johnston?</p> <p>17 MS. BARLOTTA: Object to form. Asked 18 and answered.</p> <p>19 A. No.</p> <p>20 Q. After Ms. Lindsey complained to you 21 that Mason Johnston was an ass, did Mason 22 continue to work in your department as a broker?</p> <p>23 A. Yes.</p>

1 MS. BARLOTTA: Object to form. 2 Q. Do you know how long? 3 A. No, I don't. 4 Q. Do you still stay in touch with 5 Lauren -- I believe it's Lindberg, not Lindsey -- 6 Lauren Lindberg? 7 A. It is, but I know what you're talking 8 about. No, I don't actually. I was thinking 9 about her the other day, as a matter of fact, 10 but -- 11 Q. Do you still stay in touch with Mason 12 Johnston? 13 A. I see him occasionally, but only when 14 we run into each other. 15 Q. And how do y'all have an occasion to 16 run into each other? 17 A. We're members of Vestavia Country 18 Club. 19 Q. How often do you see him? 20 A. Once or twice a month maybe. 21 Q. Have you ever talked to him about 22 this lawsuit filed by Kathryn Hendrix? 23 A. No.	Page 57	1 you a complaint of racial discrimination or a 2 concern about racial discrimination? 3 MS. BARLOTTA: Object to form. 4 A. No. We're not quota filling. We are 5 hiring qualified people. And if somebody 6 approaches our -- submits a resume that's 7 qualified, whether they're a woman or a black, we 8 are going to consider hiring. 9 Q. Are you aware that in the city of 10 Birmingham that women -- there are more women 11 than there are men? 12 A. I don't have the statistics, but that 13 sounds about right. 14 Q. And that there are more blacks than 15 there are whites? 16 MS. BARLOTTA: Object to form. 17 A. I'm -- that doesn't surprise me. 18 Q. One second, Mr. Cadden. 19 A. Take your time. 20 Q. Sure. 21 MS. WILKINSON: Didn't you mark this 22 -- there it is. 23 Q. (BY MS. WILKINSON:) Mr. Cadden, let	Page 59
1 Q. Have you ever been trained on the 2 types of comments that would constitute a 3 complaint of gender discrimination? 4 MS. BARLOTTA: Object to form. 5 A. I don't believe so. 6 Q. If an employee said to you, I'm 7 concerned that there's a lack of female brokers, 8 I'm concerned that we don't have enough female 9 brokers, would you understand that to be an 10 employee raising a concern about possible gender 11 discrimination? 12 MS. BARLOTTA: Object to form. 13 A. No. 14 Q. Why not? 15 A. I just -- I don't think it's gender 16 discrimination. 17 Q. Why not? 18 A. Because I don't think that. You just 19 asked me what I thought. I don't -- no. That's 20 the answer to my question is no. 21 Q. If an employee came to you and said, 22 I'm a little concerned we don't have enough or 23 the lack of black brokers, would that indicate to	Page 58	1 me show you what we marked earlier as Plaintiff's 2 Exhibit 42. Have you ever seen this document 3 before? 4 A. I don't believe so, but just let me 5 look at it for a minute if you don't mind. 6 Q. Sure. 7 A. No, I'm not sure what this is 8 actually. 9 Q. These are documents related to the 10 employment of Clay Segrest and his performance 11 and his goals. Have you seen documents similar 12 to this regarding any employees? 13 MS. BARLOTTA: Object to form. 14 A. I'm not sure what this is exactly, so 15 I'm going to go with no. 16 Q. Mr. Cadden, are you familiar with 17 Workday? 18 A. I am. 19 Q. Okay. Are you familiar with 20 information that's contained in Plaintiff's 21 Exhibit 42 being information that is 22 electronically stored in Workday? 23 MS. BARLOTTA: Object to form.	Page 60

1 A. Yes. 2 Q. Okay. 3 A. Now I think you've cleared that up. 4 Now I know where you're going. 5 Q. Okay. Look at Bates number -- Mr. 6 Cadden, it's going to be 4687. Do you see at the 7 bottom where it says Performance Reviews? 8 A. I do. 9 Q. And is that information that's 10 contained electronically in Workday? 11 A. I believe so, yes. 12 Q. And do you fill out performance 13 reviews for the employees on your team? 14 A. On my team, yes. 15 Q. Okay. And if you pull it up in 16 Workday, does it look similar to this? 17 A. Yes. 18 Q. Okay. Would you ever have an 19 occasion to review any of the performance reviews 20 for Clay Segrest? 21 A. No. 22 Q. Look at the next page, Bates Number 23 4688. When you do a performance evaluation for	Page 61	1 is we're not going to hinder, keep anybody back 2 because they may be different than the norm -- 3 than our makeup of a team, right, and -- 4 Q. Okay. 5 A. I don't know if I have the best 6 answer to that. I'm not sure. We promote 7 diversity. We're not trying to -- I mean, we 8 hire people that are qualified regardless of what 9 -- who they are. I think that's where that 10 probably should be our goal. We hire qualified 11 people. 12 Q. Has it been your goal as the 13 president of the Birmingham office to promote 14 from within? 15 MS. BARLOTTA: Object to form. 16 A. We do promote from within. 17 Q. And is that important to you since 18 you've been president? 19 MS. BARLOTTA: Object to form. 20 A. It is important. It's not a driving 21 force, but we try to find the best talent. 22 Q. Why is it important to promote from 23 within?	Page 63
1 employees, are they given goals for the upcoming 2 year? 3 A. Yes. 4 Q. Do you see under individual goals for 5 Mr. Segrest, that section down at the bottom? 6 A. I do. 7 Q. And do you see for one of his 2020 8 goals, it's diversity and inclusion? 9 A. I do. 10 Q. And it says it's associated with his 11 progress review? 12 A. I do. 13 Q. And on the bullet point under the 14 description, it says: Promote diversity and 15 inclusion at a team and office level. What does 16 diversity mean to you? 17 MS. BARLOTTA: Object to form. 18 A. Diversity means to me, I mean, I 19 guess we wouldn't -- we wouldn't -- I'm not sure 20 how to answer the question, to be honest with 21 you. Just bear with me a minute. 22 Q. Sure. Take all the time you want. 23 A. I think the answer to that question	Page 62	1 MS. BARLOTTA: Object to form. 2 A. Well, people that are qualified that 3 show they can do different tasks, we like to give 4 them the opportunity if they want it. 5 Q. Is it cost-effective to promote from 6 within? 7 A. Yes. 8 Q. It saves the company money? 9 MS. BARLOTTA: Object to form. 10 A. If it works, yeah. 11 Q. And you don't have to train them to 12 be an employee of CRC or Truist. They already 13 know kind of how the business works, so you save 14 on that and other training, right? 15 MS. BARLOTTA: Object to form. 16 A. Yes. That's part of it. 17 Q. And you also reward good employees to 18 promote from within, correct? 19 MS. BARLOTTA: Object to form. 20 Q. It's a reward to good employees to 21 get promoted? 22 MS. BARLOTTA: Object to form. 23 A. No. A reward would be a bonus. It's	Page 64

1 an opportunity to be promoted. 2 Q. If you get promoted, do you make more 3 money? 4 MS. BARLOTTA: Object to form. 5 A. Possibly. 6 Q. Isn't that the definition of 7 promotion? 8 MS. BARLOTTA: Object to form. 9 A. I mean, we have people that have been 10 promoted a long time that do well. 11 Q. What does inclusion mean, promote 12 diversity and inclusion at a team and office 13 level? What does inclusion mean? 14 A. I would tell you that means we're not 15 excluding. We are a very inclusive company. 16 Q. And how is CRC, Truist a very 17 inclusive company? 18 MS. BARLOTTA: Object to form. 19 A. We don't discriminate against race or 20 gender. 21 Q. How do you know that? 22 MS. BARLOTTA: Object to form. 23 A. Because we have a lot of women	Page 65	1 Q. And then what's Yvette's position? 2 A. She's an account executive. 3 Q. And is that the lowest position in 4 the department? 5 MS. BARLOTTA: Object to form. 6 A. A technical assistant is the lowest 7 position that we have as a company. 8 Q. I'm talking about in the department. 9 A. I'm sure they have them. On this 10 chart that's the lowest position. 11 Q. On this chart, is this the lowest 12 position? 13 MS. BARLOTTA: Object to form. 14 A. Yes. 15 Q. Did you ever talk to Yvette Talsma 16 about being a broker? 17 A. I do not talk to Yvette about that; 18 but if that was a conversation that was going to 19 be had, Corey would have that conversation with 20 her. 21 Q. Do you know how many account 22 executives listed on this chart are female? 23 A. I could count them real quick. One,	Page 67
1 employees. We have a lot of black employees. We 2 have a lot of gay employees. 3 Q. Look back of the our chart that we've 4 been talking about in Exhibit 37. How many black 5 employees are on that chart? 6 MS. BARLOTTA: Object to form. 7 Q. Can you -- 8 A. Oh, on this chart, one, and she's 9 been at the company as long as I have. 10 Q. There are, it looks like, thirty-six 11 employees listed here. So one out of thirty-six 12 is black? 13 A. If that's correct. 14 MS. BARLOTTA: Object to form. 15 A. We have a hundred and something 16 people. 17 Q. I'm talking about just this chart. 18 A. Yes, but this chart is not 19 representative of our company. 20 Q. Who's the black person that you're 21 referring to on the chart? 22 A. Yvette Talsma. 132923 I think you 23 have her listed.	Page 66	1 two, three, four, five -- 2 MS. BARLOTTA: We can probably 3 stipulate to that if it would save time. 4 Q. There are fifteen. 5 A. If you say so. 6 Q. Do you know how many account 7 executives on the chart are women? There are 8 thirteen. Does that concern you that thirteen 9 out of the fifteen are women? 10 MS. BARLOTTA: Object to form. 11 A. No. 12 Q. Does it concern you that Yvette 13 Talsma started the same time as you and she's 14 just an account executive? 15 MS. BARLOTTA: Object to form. 16 A. No. 17 Q. You said this is only like a 18 snapshot. So for us to be able to see if your 19 testimony is true that the company doesn't 20 discriminate, we would need to see a chart like 21 this for the whole department, the whole 22 Birmingham office, right? 23 MS. BARLOTTA: Object to form.	Page 68

<p>1 A. If you want it, I guess you can have 2 it, I guess. You'll have to talk to somebody 3 about that, but we can provide that for you. 4 Q. But we would need to look at that to 5 see if it's accurate that the company doesn't 6 discriminate? 7 MS. BARLOTTA: Object to form. 8 A. I -- 9 MS. BARLOTTA: Accurate by -- under 10 the law? 11 A. I'm not asking you to determine 12 what's accurate or not. But that's offensive to 13 me. Our company does not discriminate. 14 Q. What have you done, Mr. Cadden, to 15 review whether or not there's been any gender 16 discrimination as to who gets promoted to a 17 broker position? 18 MS. BARLOTTA: Object to form. 19 A. We don't make the determination 20 because of gender. 21 Q. I'm not asking that question, Mr. 22 Cadden. I'm asking you as the person who's 23 sitting here claiming to be offended by my</p>	Page 69	Page 71
<p>1 questions, what have you done to review whether 2 or not there's been any gender discrimination as 3 to who gets selected to be a broker? 4 MS. BARLOTTA: Object to form. 5 A. We haven't changed our practices. We 6 haven't changed anything. We haven't done 7 anything. 8 Q. Have you at any point ever done any 9 kind of review to see who moves from account 10 executive to broker, whether they're men or 11 women? 12 MS. BARLOTTA: Object to form. 13 A. No, I haven't done -- we have not 14 done that. 15 Q. Have you had a conversation with any 16 of the thirteen account executives listed on 17 Plaintiff's Exhibit 27 that are female, have you 18 had any conversations with any of them about 19 whether or not they ever expressed an interest to 20 be a broker? 21 MS. BARLOTTA: Object to form. 22 A. I haven't. Rusty -- on this list 23 that you generated, Rusty Hughes would probably</p>	Page 70	Page 72

1 Q. Do you know why one of the goals for 2 Mr. Segrest in 2022 was to promote diversity and 3 inclusion at a team and office level? 4 MS. BARLOTTA: Object to form. 5 A. I do not. 6 Q. And when it says office level, that's 7 the Birmingham office? 8 A. It is. 9 Q. Was that ever on any performance 10 evaluation that you gave any of your employees? 11 MS. BARLOTTA: Object to form. 12 A. This is a standard thing. I don't 13 know. To answer your question honestly, I don't 14 know. 15 Q. Has that ever been on any performance 16 evaluation that you've ever received? 17 MS. BARLOTTA: Object to form. 18 A. No, not to my knowledge, no. 19 Q. Who reviews your performance? 20 A. Brent Tredway. 21 Q. Who is ultimately the highest level 22 person over the Birmingham office? Is that you 23 that's on-site?	Page 73	1 qualifications of every female compared to every 2 male that has received a broker position and 3 every female that has applied for a broker 4 position? Have you done that? 5 A. No. 6 Q. Was Kathryn Hendrix qualified to be a 7 broker? 8 MS. BARLOTTA: Object to form. 9 A. I'm not sure. 10 Q. Did you ever do a review in 2023 to 11 see if this goal had been met to see if 12 Birmingham had increased their diversity and 13 inclusion? 14 MS. BARLOTTA: Object to form. 15 A. No. 16 Q. Or had increased their female 17 employees, their employees of color? 18 MS. BARLOTTA: Object to form. 19 A. I didn't do a survey, no. 20 Q. Any black employees in your 21 department? 22 A. No. 23 Q. Have there ever been?	Page 75
1 A. That's me. 2 Q. Okay. So it's your job, because 3 you've said that every year you have to sign off 4 that you're going to uphold the policies, it's 5 your job to make sure that there is no 6 discrimination taking place at the Birmingham 7 office, right? 8 MS. BARLOTTA: Object to form. 9 A. Yes. 10 Q. Okay. The next bullet point under 11 Mr. Segrest's performance evaluation for a goal 12 for 2022 is to commit to recruiting and building 13 a diverse workforce. What does that mean to you? 14 MS. BARLOTTA: Object to form. 15 A. Again, we hire qualified people. 16 We're not -- we're not discriminating. We want a 17 -- we have a diverse workplace. 18 Q. Have you ever looked to see how many 19 women versus how many men have applied either 20 internally or externally to be a broker? 21 MS. BARLOTTA: Object to form. 22 A. No. 23 Q. Have you ever reviewed the	Page 74	1 MS. BARLOTTA: Object to form. 2 A. Yes. 3 Q. Who? 4 A. Ernest Cesar. He's no longer 5 employed with our company. He left to pursue 6 other things. 7 Q. What was his position? 8 A. He was an account executive, worked 9 with Mason Johnston. 10 Q. Do you recall when he left? 11 A. No. It was pre-Covid. 12 Q. How long was he there? 13 A. A couple of years maybe. 14 Q. Did you hire him? 15 A. I knew he was getting hired. I 16 wasn't involved in the process, no. 17 Q. Who hired him? 18 A. Mason hired him. 19 Q. And what's his last name? 20 A. Cesar, Ernest Cesar. 21 Q. Can you spell that? 22 A. C-e-s-a-r, I believe. 23 Q. Was he transferred to the file room?	Page 76

1 MS. BARLOTTA: Object to form. 2 A. I don't -- I don't recall that. I 3 don't recall. Maybe he was. Maybe he wasn't. 4 Q. Any other black employees in your 5 department? 6 A. Not currently, no. 7 Q. While you've been over the property 8 department and you've been president, that's the 9 only black employee you can name? 10 MS. BARLOTTA: Object to the form. 11 Q. In your department? 12 A. In our department, yes. 13 Q. How many work out of the Birmingham 14 office? How many black employees in Birmingham 15 that you're aware of ever since you've been 16 employed there? 17 A. I couldn't tell you. I've had black 18 employees my entire career at our company, but I 19 can't give you a head count, no. 20 Q. Are you aware of any -- other than 21 Ernest, any black brokers in any department in 22 Birmingham? 23 A. No.	Page 77	Page 79
1 Q. Look at -- and, again, we're in 2 Plaintiff's Exhibit 42, Bates Number 4689. For 3 2021 goals for Mr. Segrest, he had the same 4 goals, promote diversity and inclusion at a team 5 and office level. Commit to recruiting and 6 building a diverse workforce. Participate in 7 diversity and inclusion events to broaden 8 knowledge and understanding. 9 Were those ever goals that you put in 10 any performance evaluation you issued to any 11 employee? 12 MS. BARLOTTA: Object to form. 13 A. I don't recall, no. 14 Q. Have there been in 2020 through 2023 15 any diversity and inclusion events that have been 16 held at the Birmingham office? 17 A. No. 18 Q. Have you ever attended or 19 participated in any diversity and inclusion 20 events? 21 A. No. 22 Q. Have you ever been trained on 23 diversity and inclusion?	Page 78	Page 80

1 beliefs that people have that can create a bias 2 in the workforce? 3 A. I don't believe so. 4 Q. Comments like: Women don't like to 5 travel. Have you ever been trained that that can 6 be an implicit bias that could indicate gender 7 discrimination? 8 MS. BARLOTTA: Object to form. 9 A. No. 10 Q. Women need to stay home and be 11 married and have babies, have you ever been 12 trained that that can be an implicit bias? 13 MS. BARLOTTA: Object to form. 14 A. No, not implicit bias. I've just 15 been told it was wrong. My mother told me that 16 was wrong, so -- 17 Q. Who did you understand that an 18 employee could complain to if they had any kind 19 of issue with regard to discrimination, 20 harassment, things like that? 21 MS. BARLOTTA: Object to form. 22 A. We have an open door policy. You can 23 complain to your team lead. You can voice your	Page 81	1 Q. Once an employee raises a concern -- 2 well, let me ask you this, Mr. Cadden: Does an 3 employee have to put any kind of concern with 4 regard to discrimination in writing or can they 5 make that concern verbally? 6 A. They can make that concern verbally. 7 Q. If an employee came to you and said, 8 Hey, Mr. Cadden, you know, I don't think women 9 are being fairly represented in the workforce, 10 I'm concerned that there's a lack of female 11 brokers, but I'm just kind of making this 12 complaint informally to you, would you still have 13 to consider that a complaint of discrimination? 14 MS. BARLOTTA: Object to form. 15 A. I'm not sure -- I'm not sure that's a 16 complaint. Hey, I've got this question about 17 there's not any female brokers. I'm not sure 18 just that's -- that's a complaint. 19 Q. You've never been trained that that 20 would be a complaint? 21 MS. BARLOTTA: Object to form. 22 A. I don't -- I'm not sure it is a 23 complaint. Hey, I've been wrong is -- and I	Page 83
1 concerns to your team lead; to the department 2 manager, that would be Rusty Hughes in this case; 3 Ron Helveston at the time, who was in my office; 4 myself; our HR people; they have a 1-800 number 5 that you're free to call. I think it's open 6 twenty-four hours a day. 7 So there's several people if you have 8 concerns to reach out to. 9 Q. Based on -- I'm sorry. I didn't mean 10 to cut you off. 11 A. No, we have an open door policy at 12 CRC if you've got a concern, and we tell 13 everybody that. Everybody that -- everybody 14 knows that. 15 Q. And is that because the company, 16 Truist, wants to know if there are any concerns 17 with regard to discrimination, harassment, things 18 like that? 19 MS. BARLOTTA: Object to form. 20 A. Well, the rest -- all those people I 21 gave you names of work at CRC, not Truist. So we 22 are all concerned about people that have concerns 23 or issues of any problem -- of any kind.	Page 82	1 don't like this, but just I'm not sure there's 2 enough female brokers, I'm not sure that's a 3 complaint. That's an observation. 4 Q. What if the employee also said, Look, 5 I'm concerned that there's a lack of female 6 brokers and I haven't been promoted to broker. I 7 want to be a broker. I'm concerned there aren't 8 women brokers. Would you consider that to be a 9 complaint of discrimination? 10 MS. BARLOTTA: Object to form. 11 A. Well, I would not say it's a 12 complaint. I would say I would think the person 13 that that was raised to that was her manager 14 would try to figure out how to see if that's a 15 possibility. We promote. We promote people in 16 our company. 17 Q. If an employee raises concerns about 18 discrimination, what are you supposed to do? If 19 you know about that complaint at any of those 20 levels you've told me about, people that can 21 receive complaints, what are you supposed to do? 22 A. We will elevate that to -- if it was 23 a complaint, we would elevate that to Stefani	Page 84

1 Petty in our HR department. 2 Q. If you know that an employee is 3 raising any kind of concern that could 4 potentially be discrimination, are you supposed 5 to report that to human resources, Stefani Petty? 6 A. If it's a complaint, yes. 7 Q. And, again, a complaint can be 8 verbal, general, doesn't have to be in writing, 9 right? 10 A. Yeah, I -- yeah. 11 Q. And once you elevate that or report 12 that to human resources, what's supposed to 13 happen? 14 A. They take off and run with that. 15 That's out of my purview at that point. 16 Q. Did you understand that any complaint 17 dealing with discrimination, harassment, things 18 like that had to be investigated? 19 A. I turn it over to Stefani Petty, and 20 what she does with that after that, I'm not sure. 21 Q. Did you understand from the handbook 22 that all complaints had to be investigated? 23 A. You know, I didn't memorize the	Page 85	1 Q. What is retaliation under the policy? 2 A. We -- 3 MS. BARLOTTA: Object to form. 4 A. Punishing someone, treating someone 5 unfairly after they made a complaint. 6 Q. Were you ever aware that Kathryn 7 Hendrix had made -- I'm not talking about the 8 conversation with Mr. Helveston. Prior to that, 9 that Kathryn Hendrix had raised any concerns 10 about there being gender discrimination? 11 A. To whom? 12 Q. To anybody. 13 A. Not to my knowledge. 14 Q. Did Rusty ever talk to you about any 15 complaints that Kathryn Hendrix made to him? 16 A. Not to my knowledge. 17 Q. Were you ever aware that Kathryn had 18 reported to both Corey and Clay that there were 19 -- she was concerned about there being a lack of 20 female brokers and that the company had not hired 21 a woman in over twelve years? 22 MS. BARLOTTA: Object to form. 23 Q. Were you aware that she had raised	Page 87
1 handbook, ma'am. I'm sure it says -- if it says 2 it in there, then there's no sense in us arguing 3 about that, no. 4 Q. Look in the handbook -- it's, again, 5 Plaintiff's Exhibit 26 -- at Bates Number 306. 6 A. I'm sorry. Say that again. 7 Q. It's right there. Yeah, it will be 8 in the bottom right-hand corner, Mr. Cadden, 306. 9 A. Okay. 10 Q. Do you see the section under 11 Investigations? 12 A. Uh-huh (positive response). 13 Q. Yes? 14 A. Yes, I do. 15 Q. And it says that BB&T will 16 thoroughly, promptly, and fairly investigate all 17 claims of harassment or discrimination. 18 A. I do see that. 19 Q. Okay. Have you ever been trained on 20 retaliation at any time while you've been with 21 CRC or BB&T/Truist? 22 A. I know that it's not tolerated in our 23 company.	Page 86	1 those concerns to either Clay or Corey? 2 MS. BARLOTTA: Object to form. 3 A. I'm not. 4 Q. Okay. If Kathryn had reported those 5 concerns to Clay or Corey, is that something they 6 should have told you about? 7 MS. BARLOTTA: Object to form. 8 A. Yes. 9 Q. And is that something that human 10 resources should have been involved with? 11 MS. BARLOTTA: Object to form. 12 A. If it was a -- if it was actually 13 done, yes. 14 Q. When Mason left, did Mason have a 15 noncompete agreement with the company? 16 A. He did. 17 Q. But he went to work for a competitor. 18 How did that happen with him having a noncompete? 19 A. He just couldn't call on his existing 20 business, which he honored. 21 Q. Okay. Do you have any input in the 22 job duties that are assigned to positions, like 23 an account executive position, if it's outside	Page 88

1 your department? 2 A. The job duties are pretty much 3 segmented. The technical assistant stuff, 4 regardless of what department or whatever, the 5 size of the team really determines. You can have 6 all the titles you would like, but, you know, in 7 our world, if something needs to get done, it 8 needs to get done whether it's below my job 9 function or not. 10 Q. There's been a lot of testimony about 11 discretion, that bonuses are discretionary, and 12 how they're awarded and what's considered is up 13 to the discretion of the person over the team. 14 A. That's correct. 15 Q. That job duties that are assigned to 16 employees is up to the discretion of the person 17 over the team. Does that concern you that there 18 are no set policies, that it's up to the 19 discretion of the person over the team and that 20 each team is handling things differently? 21 MS. BARLOTTA: Object to form. 22 A. No, that doesn't concern me. 23 Q. Have you ever been trained or taught	Page 89	1 response or answer. 2 MS. BARLOTTA: Well, I need 3 clarification -- 4 Q. You're the president of the 5 Birmingham office. 6 MS. BARLOTTA: -- so I know whether 7 or not I need to object. 8 Q. You are trained every year on 9 policies and the handbook. Why does Truist, CRC 10 have policies? 11 MS. BARLOTTA: Again, I'm going to 12 have to ask for clarification if you're asking 13 him to testify -- he's not here in a 30(b)(6) 14 capacity. So if you're asking his opinion on why 15 CRC or Truist implemented any policy or if he has 16 specific knowledge of what those reasons were -- 17 Q. I'm asking you what is your 18 understanding as somebody who's been trained 19 every year since you've been employed by CRC, 20 Truist, BB&T on the handbook and policies, what 21 is your understanding of why they have such 22 policies? 23 MS. BARLOTTA: Object to form. If	Page 91
1 that discretion sometimes can equal 2 discrimination? 3 MS. BARLOTTA: Object to form. 4 A. No. 5 Q. Do you believe that that could 6 potentially create a problem of discrimination? 7 MS. BARLOTTA: Object to form. 8 A. No. 9 Q. Why do you have policies? What's the 10 purpose of having a policy? 11 MS. BARLOTTA: Like any policy in the 12 world? Any policy against CRC, any policy -- 13 hypothetical policies? 14 Q. What's the purpose of CRC, Truist, 15 BB&T having policies? 16 MS. BARLOTTA: You're asking him why 17 the people in CRC and Truist implemented those 18 policies or what his opinion is on why they 19 implemented policies? 20 Q. Mr. Cadden, if you don't understand 21 my question, I expect you to tell me and let me 22 know, and I will certainly correct it and fix it, 23 not that your lawyer needs to coach you on any	Page 90	1 you understand the question, you can answer. 2 A. It would be a guide of how to 3 operate. 4 Q. And why is that guide important? 5 MS. BARLOTTA: Asking him why it's 6 important to him or are you asking him -- 7 MS. WILKINSON: Sure. 8 Q. (BY MS. WILKINSON:) As the 9 president, why is that important to you? The 10 highest ranking person for the Birmingham office, 11 why is that important to you? 12 MS. BARLOTTA: Any particular policy 13 or the -- 14 A. Yeah, we've got policies about a lot 15 of stuff. What policy would you -- 16 Q. Why is it important to have those 17 policies, those written policies? 18 MS. BARLOTTA: Object to form. It's 19 very vague. 20 A. Again, all I can say is so you have 21 some consistency in what we're doing. 22 Q. Is one of the reasons to tell the 23 employees what you expect from them?	Page 92

1 MS. BARLOTTA: Object to form. 2 A. Yes. 3 Q. And to let the employees know in part 4 what they can expect from the company? 5 MS. BARLOTTA: Object to form. 6 A. Yes. 7 Q. And are all employees supposed to be 8 treated equally? 9 MS. BARLOTTA: Object to form. 10 A. Yes. 11 Q. And one of the ways that you can make 12 sure that employees are treated equally is to 13 have policies on how things are to be handled. 14 Would you agree? 15 MS. BARLOTTA: Object to form. 16 A. Yes. 17 Q. So if you don't have policies and if 18 people get to use their discretion, do you think 19 that sometimes can result in employees not being 20 treated equally? 21 MS. BARLOTTA: Object to form. 22 A. I suppose it could. 23 Q. Have you ever done anything to do a	Page 93	1 Q. Do you have to approve them? 2 A. No. 3 Q. What do you get to review all 4 bonuses, what information or documentation? 5 A. I get a spreadsheet with people's 6 bonus information. If there's something that 7 looks out of line to me, I will question it. And 8 if it doesn't look out of line to me, I don't 9 question it. 10 Q. And you've gotten those spreadsheets 11 ever since you've been president? 12 A. Yes. 13 Q. And even since you've been over your 14 department? 15 MS. BARLOTTA: Object to form. 16 A. Yes. 17 Q. And you've seen those spreadsheets 18 that have bonuses for Kathryn Hendrix? 19 MS. BARLOTTA: Object to form. 20 A. I'm sure I have, yes. 21 Q. And have you seen bonuses that listed 22 Kathryn Hendrix as an account executive and then 23 at some point as a broker?	Page 95
1 review of bonuses that were given to employees to 2 determine if men were given higher bonuses than 3 women? 4 MS. BARLOTTA: Object to form. 5 A. No. I do review the bonuses, but no, I haven't done a review, no. 6 Q. Based on gender you have not done 7 that review? 8 A. No, because we don't base stuff on gender. We base stuff on people's performance and their capabilities. The bonuses are -- it's not about the bonus. It's about the total comp. 9 It's -- some people's base is larger than others. Some people's bonus is bigger than others. It's the total comp that counts. 10 Q. Well, there's a pot of money that 11 gets bonuses for a team, right? 12 A. Correct. 13 Q. And -- but that bonus amount is 14 determined by the head of that team, right? 15 A. Yes. 16 Q. And you sign off on all bonuses? 17 A. I review all bonuses.	Page 94	1 MS. BARLOTTA: Object to form. 2 A. I don't recall her title, no. But I'm -- if it's on the sheet, it's on the sheet I'm sure. 3 Q. And was there any written policy 4 about how bonuses were determined for a broker? 5 MS. BARLOTTA: Object to form. 6 A. Well, a written policy, yes, for brokers, absolutely. 7 Q. And what is that -- 8 A. Or for the lead broker on the team. 9 Q. Not the lead broker. 10 A. That's all the -- everything else is -- for the most part is subjective. 11 Q. Everything is up to the discretion of 12 the lead broker to determine how much to give the 13 brokers below that person? 14 A. The brokers and the account executives and the technical assistants and everybody under them, yes. 15 Q. Have you ever reviewed the bonuses 16 for -- when you got these spreadsheets, just show 17 -- kind of tell me on a spreadsheet for each	Page 96

1 department, how many employees on average total 2 would it be? 3 A. I get a spreadsheet for each team. 4 Q. Okay. For teams, sorry. For each 5 team, about how many employees would it be? 6 A. Six or seven, depends on the size of 7 the team. 8 Q. Not many? 9 A. Right. 10 Q. And for each team, that would include 11 brokers at different levels and account 12 executives? 13 A. And broker assistants and technical 14 assistants, yes. 15 Q. Okay. And you could tell from 16 looking at that who would be a female and who 17 would be a male employee? 18 A. Well, I know most of them, so yeah. 19 Q. Because you're in the department, 20 you're in the office, you walk around, you know 21 them? 22 A. I do. 23 Q. Okay. Where was your office in	Page 97	1 the men versus the women? Let's say you're 2 looking at one team, there are about six people 3 on it. Did you ever look to compare the bonus 4 for men versus women? 5 A. No. I looked at the bonus from 6 probably two years ago. We bonus twice a year. 7 So I would look back to see if the bonuses are in 8 line. And if the team was up, I expected the 9 bonuses to be up. If the team was down, the 10 bonus could be -- most of our -- well, most of 11 our brokerage teams do not adjust the support 12 staff's bonuses if they're down. They just eat 13 the -- they eat the shortfall. 14 Q. At some point did you understand that 15 one of Ms. Hendrix's claims is that she didn't 16 receive bonuses comparable to male employees? 17 MS. BARLOTTA: Object to form. 18 A. No, I didn't. 19 Q. You didn't know that? 20 A. No. 21 Q. And have you ever done a review to 22 compare bonuses received by Kathryn Hendrix in 23 comparison to male employees?	Page 99
1 relation to where Kathryn Hendrix worked? 2 A. I was on the fourth floor. She's 3 on -- 4 Q. What floor was she on? 5 A. The third floor. 6 Q. Would you ever go down to the third 7 floor? 8 A. I do. 9 Q. How often? 10 A. A couple of times a week. It 11 depends. It depends on my day. 12 Q. So you were around Kathryn? 13 A. Yeah, I mean, I -- yeah. 14 Q. So when you were reviewing these team 15 bonus sheets, how many teams would there be on 16 average where you would get the bonus sheets to 17 approve? 18 A. We have eighteen -- 19 MS. BARLOTTA: Object to form. 20 A. We have eighteen brokerage teams, so 21 I got all of them. 22 Q. When you were reviewing those, did 23 you ever look to see any kind of comparison about	Page 98	1 MS. BARLOTTA: Object to form. 2 A. No. 3 Q. Could you do that easily if you 4 wanted to? 5 MS. BARLOTTA: Object to form. 6 A. Sure. 7 Q. And when you get these spreadsheets 8 from these eighteen teams with around six 9 employees on each team, do you keep those or save 10 them somewhere? 11 MS. BARLOTTA: Object to form. 12 A. Yeah, they're on -- yes. 13 Q. Where do you save them? 14 MS. BARLOTTA: Object to form. 15 A. They're in our computer system. 16 Q. And can you pull them up at any time? 17 MS. BARLOTTA: Object to form. 18 A. They can get pulled up, I suppose. 19 Q. You mean you might not be able to 20 technically do it, but you can get somebody to do 21 it? 22 A. Yeah. 23 MS. BARLOTTA: Object to form.	Page 100

1 Q. You've lost your mic. 2 A. Oh, I'm sorry. 3 Q. That's okay. Thank you. 4 A. Now (indicating). 5 Q. How far back could you go if you 6 wanted to pull up these bonus sheets from the 7 eighteen teams with about six employees on them? 8 MS. BARLOTTA: Object to form. 9 A. I'm sure our accounting department 10 could pull up whatever we need. 11 Q. You could go back to 2018, 2019, 12 2020? 13 MS. BARLOTTA: Object to form. 14 A. I'm sure we could. 15 Q. Have you been asked to do that? 16 MS. BARLOTTA: Object to form. 17 A. No. 18 Q. Are -- and I don't know anything 19 about your industry. So if I say anything wrong, 20 let me know. But it's my understanding that 21 there are some social events around either 22 obtaining business or keeping clients; is that 23 correct?	Page 101	1 depends on how big of event it is, obviously, but 2 if it's a dinner with the client, the lead broker 3 would determine that. And if it's not beneficial 4 to go, then we don't send the whole staff. We 5 don't bombard our clients. 6 Q. And underwriters attend these events? 7 A. Sometimes, but usually we have 8 underwriter events, and then we have client 9 events. 10 Q. At any of these social events during 11 the time that Kathryn Hendrix worked for CRC or 12 Truist, were there ever any complaints by female 13 employees that attended them that they were 14 subjected to any type of harassment? 15 MS. BARLOTTA: Object to form. 16 A. Not to my knowledge. 17 Q. Or that they were subjected to any 18 type of offensive comments? 19 MS. BARLOTTA: Object to form. 20 A. Not to my knowledge. 21 Q. Was there any discussion about women 22 not needing to attend any social event sponsored 23 either by CRC or Truist or somebody else because
1 A. Sure. 2 MS. BARLOTTA: Object to form. 3 Q. And are there social events that are 4 sponsored by some of the clients or underwriters? 5 A. There are. 6 Q. And are there social events that are 7 sponsored by CRC or Truist? 8 MS. BARLOTTA: Object to form. 9 A. Yes. 10 Q. And at those social events, do some 11 of those include dinners? 12 MS. BARLOTTA: Object to form. 13 A. Yes. 14 Q. And do some of those include 15 retreats? 16 MS. BARLOTTA: Object to form. 17 A. Yes. 18 Q. Who gets to decide who goes to these 19 social events, whether it's a dinner or a 20 retreat? Who gets to determine who on the team 21 attends the social events? 22 MS. BARLOTTA: Object to form. 23 A. The lead -- the lead broker or it	Page 102	1 the men couldn't be men? 2 MS. BARLOTTA: Object to form. 3 A. No. 4 Q. Okay. And is there drinking at these 5 social events? 6 A. Absolutely. 7 Q. And is there drinking in the office? 8 A. Occasionally, but not regularly. 9 Q. Is there alcohol or alcoholic 10 beverages, rather, that are kept in the office? 11 A. Sure. 12 Q. And during Kat's employment, did 13 employees keep alcoholic beverages in their own 14 personal offices? 15 A. They could have. 16 Q. And did employees actually have 17 refrigerators in their office where they kept 18 alcoholic beverages? 19 A. I'm -- yes. 20 Q. And those were also kept and 21 maintained by the company in the community break 22 room or refrigerator? 23 A. I don't know that to be true, but I

<p style="text-align: right;">Page 105</p> <p>1 -- if you need more refrigerator space for your 2 beer, I guess you could put it in the company's 3 fridge, yes, I guess.</p> <p>4 Q. And while you've been president, if 5 an employee cracked a beer at 3:00, you wouldn't 6 have a problem with that?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 A. No.</p> <p>9 Q. Do you recall -- let me ask you this: 10 Do you attend these --</p> <p>11 MS. BARLOTTA: I need a bathroom 12 break when you get a chance.</p> <p>13 MS. WILKINSON: What now?</p> <p>14 MS. BARLOTTA: I said whenever you 15 get a chance, I need a break.</p> <p>16 MS. WILKINSON: Let me go through 17 some of this, and we will.</p> <p>18 Q. (BY MS. WILKINSON:) Do you attend 19 these social events, the dinners and retreats?</p> <p>20 A. More than I would like.</p> <p>21 Q. And are you there because it's 22 important for the clients and customers to see 23 your face?</p>	<p style="text-align: right;">Page 107</p> <p>1 MS. BARLOTTA: Object to the form.</p> <p>2 A. I was not aware of that.</p> <p>3 MS. BARLOTTA: Assumes facts not in 4 evidence, and move to strike counsel's testimony.</p> <p>5 Q. I can ask you about things, Mr. 6 Cadden, that have not come up in this case so 7 far. In fact, that's what depositions are for, 8 and that's what I'm doing.</p> <p>9 Are you aware --</p> <p>10 MS. BARLOTTA: She shouldn't present 11 things to you as being fact when they're not or 12 lead you to believe that they're factual and that 13 they're undisputed when they're not. So we're 14 going to clarify that on the record.</p> <p>15 She's also not supposed to testify.</p> <p>16 You're supposed to be able to testify.</p> <p>17 Q. Are you aware of any conversations 18 like this ever happening at any of these social 19 functions where either customers or employees of 20 CRC or Truist were talking about sex, women's 21 anatomy, breast implants, things like that, at 22 any of these events?</p> <p>23 A. Not to my knowledge.</p>
<p style="text-align: right;">Page 106</p> <p>1 A. Yes.</p> <p>2 Q. And for you to talk to them and make 3 sure they're happy, keep the business?</p> <p>4 A. Yes.</p> <p>5 Q. How much business annually does the 6 Birmingham office generate in dollars?</p> <p>7 A. In dollars, last year was one billion 8 one hundred and seventy million dollars.</p> <p>9 Q. How many clients/customers in the 10 Birmingham office?</p> <p>11 A. Hundreds. I couldn't -- probably 12 over a thousand.</p> <p>13 Q. Were you aware that Kathryn Hendrix 14 attended a dinner, and a male underwriter was 15 talking about, I'm just going to quote, pussy?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 Q. A female's vagina?</p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 Assumes facts not in evidence.</p> <p>20 Q. And that he said to Kat and the other 21 men that were around, This is why you should not 22 be here, referring to Kathryn Hendrix being a 23 female? Were you aware of that?</p>	<p style="text-align: right;">Page 108</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 Q. Did any of the female employees ever 3 complain that there seemed to be a certain type 4 of female employee that got invited to these 5 social functions, female employees that maybe had 6 their breasts augmented? Did any of the female 7 employees ever complain about that?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 A. No.</p> <p>10 MS. BARLOTTA: Move to strike.</p> <p>11 Q. Did you ever hear any female 12 employees complain about not being asked to 13 attend any of these social functions with 14 customers or clients, either dinners or retreats?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 A. No.</p> <p>17 Q. Were you aware that Kat had 18 complained, Kathryn had complained about not 19 being allowed to attend an event; in fact, was so 20 upset that she was crying? Were you ever aware 21 of that?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 A. No.</p>

1 Q. Did you ever talk to Rusty about 2 Kathryn raising any concerns about being excluded 3 from these events? 4 MS. BARLOTTA: Object to form. 5 A. No. 6 Q. What's the benefit to a broker to 7 attend these events? 8 A. Well, it depends on the event; but if 9 it's a client event, it's to solidify a 10 relationship. If it's a market event, it's to 11 strengthen or start a relationship with that 12 market. 13 Q. So it can help your book of business? 14 A. Very helpful. 15 Q. Make more money? 16 A. Yes. 17 Q. Who gets to decide which broker that 18 a customer works with? Is that CRC/Truist or 19 does the customer get to decide? 20 A. The customer ultimately decides who 21 they do business with. 22 Q. So if a customer said, I don't want 23 to work with any black brokers, would you honor	Page 109	1 VIDEOGRAPHER: We are taking a break. 2 The time is 3:17. 3 (Whereupon, a brief recess was 4 taken.) 5 VIDEOGRAPHER: We are back on the 6 record. It is 3:33. 7 Q. (BY MS. WILKINSON:) All right. Mr. 8 Cadden, we're back on the record after taking a 9 break. Is there anything you want to change 10 about your prior testimony? 11 A. I don't believe so. 12 Q. Okay. Did anybody ever talk to you 13 or were you ever aware of any of the female 14 employees not wanting to work under Clay Segrest? 15 MS. BARLOTTA: Object to form. 16 A. No. 17 Q. Were you aware of any concerns raised 18 by any female employees about the way that Clay 19 Segrest would treat them? 20 A. No. 21 Q. Do you know Yvette -- we talked about 22 that -- Yvette Talsma and Andrea Sutton? 23 A. Uh-huh (positive response).	Page 111
1 that? 2 MS. BARLOTTA: Object to form. 3 A. I've never had that. No, we would 4 take issue with that. 5 Q. And if a customer said, I don't want 6 to work with any female brokers, would you take 7 issue with that? 8 MS. BARLOTTA: Object to form. 9 A. We would take issue with that. 10 Q. And would that be discrimination to 11 say, I'm not going to work with any female 12 brokers? 13 MS. BARLOTTA: Object to form. 14 A. Yeah. 15 Q. Are you aware of that ever happening? 16 A. No. 17 MS. BARLOTTA: Object to form. 18 Q. Okay. Let's take a break for just a 19 minute, Mr. Cadden. If you need anything, let me 20 know, okay? 21 A. Restroom would be great. 22 Q. Yeah, it's right out the door to the 23 left by the water fountain.	Page 110	1 Q. Were you ever aware that they had 2 raised any concerns about Clay Segrest? 3 MS. BARLOTTA: Object to form. 4 A. No. 5 Q. When you talked with Mr. Helveston 6 about Kathryn's complaints -- I'm taking you back 7 a little bit, kind of where we began today -- did 8 Mr. Helveston ever tell you that Kathryn had 9 reported that it was an equality issue, that 10 there was an equality issue within the Birmingham 11 office? 12 MS. BARLOTTA: Object to form. 13 A. No. 14 Q. Did he tell you that Kathryn had 15 complained that the men are not allowing the 16 women the same opportunities? 17 MS. BARLOTTA: Object to form. 18 A. No. 19 Q. Are you certain of that or could he 20 have told you that and you just don't recall? 21 MS. BARLOTTA: Object to form. 22 A. No, he didn't say that to me. 23 Q. And certainly if Kathryn had told	Page 112

1 that to Mr. Helveston, it's an equality issue, 2 the men are not allowing the women the same 3 opportunities, you would understand that to be a 4 concern of gender discrimination? 5 MS. BARLOTTA: Object to form. 6 A. I would -- yes. 7 Q. And that should be elevated to human 8 resources? 9 MS. BARLOTTA: Object to form. 10 A. If it was a complaint, yes. 11 Q. Well, even if she just made that 12 comment, you couldn't ignore it, could you? 13 MS. BARLOTTA: Object to form. 14 A. Should not ignore it, yeah. 15 Q. Because you would understand that 16 that could be potential discrimination, right? 17 MS. BARLOTTA: Object to form. 18 A. Yes. 19 Q. Okay. And if Kathryn had said to 20 Clay Segrest and to Corey, and I'll mispronounce 21 his name, Corey Daugherty? 22 A. Uh-huh (positive response), that's 23 good enough, close enough.	Page 113 1 comment, We sell EPL, what do you understand EPL 2 to be? 3 A. I'm going to tell you everything I 4 know about EPL right here. Employment practices 5 liability, and we need to stop right there, 6 because I sell property insurance, and I'm not 7 going to go chase that rabbit, so -- 8 Q. And fair enough. My next question 9 was going to be do you have anything to do with 10 selling EPL? 11 A. No. 12 Q. You don't review those policies? 13 A. No. I don't know anything about 14 that. 15 Q. Okay. Fair enough. 16 A. We have a staff that handles that. I 17 would be happy to recommend you to them. 18 Q. On your team, how do you determine 19 who gets to go to one of these social events that 20 we were talking about, either a dinner or a trip 21 or a retreat, things like that? How do you pick? 22 MS. BARLOTTA: Object to form. 23 A. If it's beneficial for the team. It
1 Q. Close enough, okay. That the 2 Birmingham corporate office has not hired a woman 3 broker in over twelve years; that is a problem. 4 I can't believe that BB&T is allowing it to 5 happen. We sell EPL, so we all know the 6 liability. If Kathryn had made that comment to 7 Clay and Corey, would you understand that to be a 8 complaint regarding discrimination? 9 MS. BARLOTTA: Object to form. 10 A. That -- no, that's not a complaint. 11 That's an observation. 12 Q. Would it be an observation that there 13 could be discrimination in the workplace? 14 MS. BARLOTTA: Object to form. 15 A. I guess that could be her opinion, 16 yeah. 17 Q. And if she expressed that opinion to 18 Clay and Corey, is that something that should be 19 reported to human resources? 20 MS. BARLOTTA: Object to form. 21 A. That's not a complaint. That was her 22 opinion. So I would say no. 23 Q. What is EPL? If Kathryn made the	Page 114 Page 116 1 depends on -- there's a host of factors. I mean, 2 does one person do business with this underwriter 3 or this client? It just depends on -- you know, 4 we just try to keep the cost down for whoever is 5 paying, whether it be us or our client. We just 6 don't send everybody. It needs to have a 7 business reason. 8 Q. At these events, does it tend to be 9 more men than women? 10 MS. BARLOTTA: Object to form. 11 A. I've never polled it, but possibly. 12 Q. What is the Curtain Cup? 13 A. That is an award that was established 14 honoring Tom Curtain, who is the founder of our 15 company. And it's the largest or the -- well, it 16 was supposed to be the largest office, and we've 17 changed it. 18 It was pre-Covid. It just started 19 like in, I don't know, two years before pre-Covid 20 maybe, and it's awarded to the office, but we've 21 kind of changed that. It's kind of gone by the 22 wayside since Covid, to be honest with you. 23 Q. But it's still referred to as the

1 Curtain Cup after Tom? 2 A. Sure. 3 Q. And Tom would be the person that 4 Lauren complained was an ass? 5 MS. BARLOTTA: Object to form. 6 A. No. Nobody has ever said that Tom 7 Curtain was an ass. 8 Q. Oh, I'm sorry. You're right. I was 9 thinking about Mason Johnston. 10 Do you ever recall an e-mail sent by 11 Tom Curtain that had racist comments in it? 12 MS. BARLOTTA: Object to form. 13 A. No. 14 Q. You don't recall that being talked 15 about at the company? 16 MS. BARLOTTA: Object to form. 17 A. No. 18 Q. Do you recall there being any 19 concerns made about Tom Curtain with regard to 20 any type of discrimination? 21 MS. BARLOTTA: Object to form. 22 A. No. 23 Q. Who determines -- I'm not talking	Page 117	1 A. We're a sales organization. You get 2 paid for selling stuff, not for trying to sell 3 stuff. 4 Q. (BY MS. WILKINSON:) Is the pay range 5 that you're talking about, is it written down 6 anywhere? Is it in a policy or a document? 7 A. It possibly could be somewhere in the 8 Truist HR -- it's not in a CRC thing that I know 9 of. 10 Q. And is there a pay range for an 11 account executive that you can use to award base 12 salary, not promotions? I mean -- 13 MS. BARLOTTA: Object to the form. 14 A. Again, it depends on -- we have 15 account executives we hire out of college that 16 are at the bottom of our pay scale. And we have 17 some that maybe become account executives that 18 have ten years' experience. We're going to pay 19 them more money. 20 Q. What's the pay scale for an account 21 executive? 22 A. I knew you would ask me that. I 23 can't recall that off -- I can tell you we start	Page 119
1 about bonuses, but just the base pay for an 2 employee? Let's just say for your team, who gets 3 to determine that? 4 MS. BARLOTTA: Object to form. 5 A. Well, we try to pay -- I'm not sure 6 who determines that. We have -- I don't want to 7 say schedule, but we have a range, I guess, just 8 because depending on people's work experience. 9 And, I mean, obviously, we pay somebody right out 10 of college a lot less money than we pay somebody 11 that's got ten years' experience, that kind of 12 stuff. 13 Q. Does seniority factor into what an 14 employee is paid? 15 MS. BARLOTTA: Object to form. 16 A. Not necessarily, no. It's more on 17 effort. I mean, if you look at our salaries, 18 they're predominant pretty low, the base salaries 19 are low. We're trying to promote growth. People 20 that do more make more. We don't do raises just 21 because of their age. 22 THE REPORTER: Just because what? 23 THE WITNESS: Because of their age.	Page 118	1 college kids today, 2024, they're going to start 2 somewhere in the fifty-two to fifty-five range 3 maybe, but that's 2024, not 2030. 4 Q. Okay. Like Yvette Talsma was hired 5 in 1990. She's been an account executive how 6 long, her entire career? 7 A. No. She started off in the -- she 8 started out as our receptionist actually and has 9 moved up. 10 Q. How long has she been -- how many 11 years has she been an account executive? 12 A. I couldn't tell you, to be honest 13 with you. 14 Q. More than ten? 15 A. A long time, yeah. 16 Q. Did -- when other account executives 17 are hired in any department, any team, do you go 18 back and look at what the long-term account 19 executive employees are making to see if you need 20 to adjust their salary? 21 A. We do not. 22 Q. Why not? 23 A. Because we -- their bonus, like I	Page 120

1 mentioned earlier, their bonus income is most -- 2 larger than their base income. 3 Q. Well, do you take into account when 4 you're giving bonuses that, let's say, Yvette 5 Talsma has been there since 1990, and she's 6 making less than employees who were hired, you 7 know, in 2015? 8 I mean, do you take into account when 9 you're giving a bonus, hey, we need to make up 10 for what somebody is being paid, because they're 11 paid less than other account executives? 12 A. Their base pay may be less or 13 greater, but it's the total comp. We look at the 14 total comp, not -- 15 Q. Well, and maybe I'm not asking it 16 right, Mr. Cadden. My question is: Let's say 17 you've got an account executive making thirty 18 something and one making fifty something, but the 19 thirty something has been there fifteen years 20 longer than the one making more. 21 Do you go, oh, wait a minute, we need 22 to give this person more bonus to make up for 23 that so that their -- you kind of -- you're not	Page 121 1 him a larger base than somebody that's not. But 2 his total comp may be less than Yvette or Brandi 3 Russell or pick somebody off this page. 4 Q. So the number where it says 5 compensation on Plaintiff's Exhibit 27, that's 6 the base? 7 A. That's their base salary. And these 8 numbers are -- some of these people have 9 multiple -- numbers are multiples of what's on 10 their base. 11 Q. Do you know if Yvette's total 12 compensation was ever increased because she was 13 making so much less than Ross? 14 MS. BARLOTTA: Object to form. 15 A. I would say her compensation has 16 nothing to do with Ross' compensation, nor does 17 his with hers. 18 Q. Has there been any talk about needing 19 to adjust any of the female employees that have 20 been account executives since, you know, the '90s 21 or early 2000s? 22 A. Again, we -- it's their adjustments 23 are -- usually those people are on large teams,
Page 122 1 raising their base, but you're giving a bonus to 2 compensate for that? Does that make sense? 3 A. We're not giving a bonus because 4 somebody else makes more money. We're giving a 5 bonus because the -- for their production level 6 of the team. 7 Q. Well, looking at Plaintiff's Exhibit 8 27, Mr. Cadden, and out of the thirteen women, 9 Ross Robertson was paid more than nine of the 10 women, hired after all of them. There are other 11 male employees that are paid more than these 12 women. 13 Have you ever looked at that and 14 said, Wait a minute; we've got some male 15 employees that are making a whole lot more than 16 these females? 17 MS. BARLOTTA: Object to form. 18 A. I don't think you heard me a minute 19 ago. We're looking at -- we look at total comp. 20 Bases are -- it depends on -- let's pick on Ross 21 for a minute since you brought him up. 22 Ross came from a company in 23 Mississippi, had experience. We're going to pay	Page 124 1 and they get their bonus substantially. And we 2 do bonus -- and to be fair, we do have merit 3 increases. So some of these numbers are probably 4 not accurate from when you got from this -- I'm 5 not sure when this document was presented to you. 6 Q. The company sent it to the EEOC. 7 A. Okay. So some of these people may 8 have had a merit adjustment since then, and it's 9 going to be a three percent. That has nothing to 10 do with being a female or black or male. It's 11 just three percent is the max that you can get. 12 Q. I hear you, but did you ever have any 13 conversations with anybody about needing to 14 adjust the salary of some of the female 15 employees, the base salary? 16 A. No. 17 Q. Okay. Or did you ever have a 18 conversation with anybody about, Look, we've got 19 some women who were paid much less than the men 20 on the base salary, let's make sure we compensate 21 for them on bonuses? 22 MS. BARLOTTA: Object to form. 23 Q. Did you ever have that conversation

1 with any of the team leads? 2 A. No, I did not. 3 Q. What's the launch program? 4 A. It's a relatively new program that 5 we've established. I'm not sure exactly when. I 6 have nothing to do with it. Jessica Marshall 7 runs that program. 8 We find -- young would be the 9 wrong -- young not necessarily being age, but new 10 producers, new people in our business that we see 11 the ability of them to become a producer, an 12 outside producing broker, and they have 13 additional training. They have additional like 14 sales training in small aspects of the company. 15 We bring in outside people, and it's 16 a three-year -- three- to four-year program. And 17 then the goal is for them to be a producing 18 broker, either on their own or on a team. 19 Q. When did the launch program start, 20 what year? 21 A. That's a great question. I -- I'm 22 going to say after -- no. After Covid maybe, 23 2022. Three or four years, let's just say.	Page 125	1 in the launch program? 2 MS. BARLOTTA: Object to form. 3 A. I don't know the answer to that 4 question. 5 Q. Is there a document that says, Here's 6 how you select who gets to go to the launch 7 program? 8 MS. BARLOTTA: Object to form. 9 A. I'm sure there is, but I don't -- 10 I've never seen that to my knowledge. 11 Q. Have you sent any of the employees on 12 your team to the launch program? 13 A. I have not. 14 Q. Do you know how you get to go to the 15 launch program? 16 A. You're nominated by your team lead. 17 Q. And do you discuss -- since you're 18 the president of the Birmingham office, do you 19 discuss with any of the team leads about who gets 20 nominated for the launch program? 21 A. Yes, we do discuss that. 22 MS. BARLOTTA: Object. 23 Q. And who -- is that something that	Page 127
1 Q. After Kathryn was no longer employed? 2 A. Correct. 3 Q. Okay. So you think it was maybe 4 2021, 2022? 5 A. I would hate to speculate on that, 6 but somewhere in there, I think. 7 Q. Whose idea was the launch program? 8 A. I have no idea. That's above my pay 9 grade. 10 Q. Were there any documents or e-mails 11 about the launch program when it first started? 12 A. I'm sure there are, but I don't know. 13 I don't recall seeing them. I'm sure there's 14 obviously something in writing somewhere. 15 Q. How did you find out about the launch 16 program? 17 A. I mean, I've got people in my office 18 that are in it. We've talked about it trying to 19 figure out how to grow talent, grow our company, 20 what can we do to give our young people an edge. 21 And so I've been in several meetings about it. 22 Q. Is there a document that says, Here's 23 what the launch program is and what you will do	Page 126	1 they're required to get your input on? 2 A. I don't know about required, but -- 3 Q. But they do? 4 A. For the most part, we talk about it. 5 Q. And who have -- tell me the names of 6 the team leaders you've had conversations with 7 about who should be nominated for the launch 8 program. 9 A. I've talked to Rusty about Ross 10 Robertson. Andrew Baker has a young gentleman on 11 his team that started, Peyton. 12 Q. Peyton? 13 A. Peyton. I can't recall Peyton's last 14 name. And then Trey Nelson has a -- our first 15 Covid hire, Charles Fisher, who is in the launch 16 program, and then my son is in the launch 17 program. 18 Q. Steele Cadden? 19 A. He is, yes. 20 Q. Whose team is your son on? 21 A. Corey Daugherty. 22 Q. And Corey is the one that nominated 23 Steele?	Page 128

1 A. He did. 2 Q. What's Steele's position? 3 A. He is an account executive currently. 4 Q. Who determined Steele Cadden's base 5 pay? 6 A. That's what -- that's what Corey 7 decided to pay him. I did not. 8 Q. You had to approve it, though, right? 9 A. I approved his hiring. I have 10 nothing to do with my son. I stay more than an 11 arm's length away from him. 12 Q. You approve his bonuses, right? 13 MS. BARLOTTA: Object to form. 14 A. I see his bonuses, but I do not have 15 any involvement with it whatsoever. 16 Q. Do you know what your son made 17 starting out as an account executive? 18 A. Probably somewhere high fifties, low 19 sixties, maybe sixty thousand dollars. 20 Q. And when was he hired? 21 A. Two and a half years ago maybe. 22 Q. And Ross Robertson, what was his 23 position when he went into the launch program?	Page 129	Page 131
1 A. I'm sure he was an account executive. 2 Q. What is his position now? 3 A. I don't know if they changed their 4 titles when they go to the launch program or not, 5 to be honest with you. I'm not sure what the -- 6 I'm not involved in that on a day-to-day basis, 7 so I'm not sure what they do. 8 Q. Do you know what year Ross was 9 nominated? 10 A. I don't. I mean, he's still in it, 11 so it's less than -- it's less than three years. 12 Q. Within the past -- so sometime 13 between 2021 and now? 14 A. Yes. 15 Q. Okay. And what about Peyton, do you 16 know when Peyton -- 17 A. I don't believe he's been nominated. 18 He just started with us, for heaven sakes. We're 19 just -- he's -- 20 Q. Y'all are talking about putting him 21 in? 22 A. Yeah, he's a very motivated young 23 man.	Page 130	Page 132

1 somebody? Because they come talk to you about 2 it. So what are the requirements? 3 MS. BARLOTTA: Object to form. 4 A. No, we just talk about -- 5 MS. BARLOTTA: Move to strike. 6 A. We just talk when they come to me, 7 Hey, I've got this person that I think would be 8 great, and it's a great opportunity for them, and 9 so that's where -- the level of conversation I 10 have. 11 I don't review their -- I don't check 12 the box to make sure they have -- everything 13 they've done. That's somebody else's 14 responsibility, not mine. 15 Q. What happened -- whose responsibility 16 is that? Who does that? 17 A. That would be the lead broker. 18 Q. Lee who? 19 A. The lead broker of the team. We 20 would fill out all the -- the form, the 21 paperwork. 22 Q. And then who does it go? 23 A. I'm assuming Jessica Marshall, and	Page 133	1 A. I have not. 2 Q. Have you asked them if they're even 3 aware of the launch program? 4 MS. BARLOTTA: Object to form. 5 A. I have not. 6 Q. Why not? 7 A. I haven't had the -- I haven't had 8 the need to. I don't -- I mean, I'm -- I'll walk 9 around their office and visit with people when 10 they have problems to say hello. I don't sit 11 down and talk to them. I have my own book of 12 business that I'm doing, and just I haven't. 13 Q. Well, do you ever have meetings for 14 the whole Birmingham office? 15 A. Occasionally. We're not a big 16 meeting -- we're not big into meetings in our 17 office, but -- 18 Q. Do you send out e-mails to everybody 19 in the office from time to time to let them know 20 things? 21 A. I do. 22 Q. Did you send out an e-mail to say, 23 Hey, we're starting this new launch program, I	Page 135
1 there's the whole interview process that I have 2 nothing to do with. It's a huge -- 3 Q. What's Jessica's title? 4 A. Chief -- I think it's chief -- she 5 just got promoted chief marketing officer. I 6 believe that's correct. 7 Q. Is she in Birmingham? 8 A. No, she's in Dallas, Texas. 9 Q. Are you aware of any females being 10 nominated for launch? 11 A. Across the company, I'm sure we have 12 several. 13 Q. Out of Birmingham? 14 A. Not to my knowledge, no. Not at this 15 point. 16 Q. There are fifteen total, just on the 17 list that we've got, Plaintiff's Exhibit 27, 18 fifteen total female account executives, and none 19 of them have been nominated. Do you know why? 20 A. I do not. 21 MS. BARLOTTA: Object to form. 22 Q. Have you talked to any of them about 23 whether they wanted to go to launch?	Page 134	1 want to let y'all know? 2 A. I did not. 3 Q. Why not? 4 A. Because the people that handled the 5 launch program did. 6 Q. Why didn't you want to let your 7 office know? 8 MS. BARLOTTA: Object to form. 9 A. They know. They get the same e-mail 10 I get. 11 Q. So it's your testimony that everybody 12 in the office got an e-mail about the launch? 13 A. I don't know about everybody, but 14 every team lead did. 15 Q. Well, what about the account 16 executives? Do you know if they've ever been 17 informed? 18 A. I'm not sure. 19 MS. BARLOTTA: Object to form. 20 A. I don't know. I don't know the 21 answer to that question. I'm sorry. 22 Q. Well, wouldn't that be something that 23 would be important to know to see if -- since	Page 136

1 it's all men that have been nominated so far? 2 A. I'm not sure it's all men that's been 3 nominated or maybe it's all men in our office, 4 but -- 5 Q. I'm talking about just the Birmingham 6 office right now. 7 A. I know, but we have eighty-one 8 offices across the country, and we have five 9 thousand employees. We have lots of women. 10 Q. You don't manage those other offices? 11 A. Absolutely not. 12 Q. You're just responsible for 13 Birmingham. That's all I'm talking about right 14 now. 15 A. Correct. 16 Q. Don't you think it's odd that there 17 are fifteen account executives on this list who 18 are women, and none of them in the past three 19 years this launch program has been in existence 20 have been nominated? 21 MS. BARLOTTA: Object to form. 22 A. No. 23 Q. What about Yvette? She's a really	Page 137	1 have been on your team for years and years? Why 2 aren't you nominating any of them? Did you ever 3 ask him about that? 4 MS. BARLOTTA: Object to form. 5 A. I did not. 6 Q. Why not? 7 A. I just didn't. 8 Q. Well, whose job was it to ask that 9 question? It was yours, wasn't it, Mr. Cadden? 10 MS. BARLOTTA: Object to form. 11 Assumes facts not in evidence that it's his job 12 to ask a specific question about why someone has 13 been nominated or not. 14 A. I didn't. 15 Q. But you're the one responsible for 16 making sure there's no discrimination in the 17 Birmingham office, right? 18 MS. BARLOTTA: Object to form. 19 A. Yes. 20 Q. What did your son do before he 21 started working for your Birmingham office? 22 A. He worked at AmRisk. 23 Q. At where?	Page 139
1 good account executive, isn't she? 2 A. She's awesome. 3 MS. BARLOTTA: Object to form. 4 Q. She would be a great broker, wouldn't 5 she? 6 MS. BARLOTTA: Object to form. 7 A. I don't know that. I'm not sure she 8 wants to be a broker. 9 Q. Well, did you ever ask anybody -- 10 whose team is she on? 11 A. She was Corey. 12 Q. When Corey nominated your son, did 13 you ever say, Wait a minute, Corey, wait a 14 minute, we've got Yvette on your team. I know 15 Yvette to be a great employee. Why aren't we 16 nominating her? 17 MS. BARLOTTA: Object to form. 18 A. No, I did not. 19 Q. What about all the other women on 20 Corey's team? Did you ever say, Wait a minute, 21 Corey, we've got -- my son started working here 22 just recently, and he's nominated. What about 23 all these account executives who are women that	Page 138	1 A. AmRisk. 2 Q. Doing what? 3 A. He was a -- I think their version of 4 an account executive. 5 Q. How long was he there? 6 A. A year possibly. 7 Q. Why did he leave there? 8 A. He had an opportunity to come to CRC. 9 Q. Were there any issues with his 10 performance at the prior employer? 11 MS. BARLOTTA: Object to form. 12 A. Not to my knowledge. 13 Q. And where did he work before that 14 employer? 15 A. Worked at -- he worked for a trucking 16 company downtown. What's the name of it? He was 17 a trucking broker for a while, and then he went 18 to work for an agency. I can't think of the name 19 of the agency. Stand by. It'll come to me. 20 Q. So he had less than a year account 21 executive experience when he came to CRC, your 22 Birmingham office, right? 23 MS. BARLOTTA: Object to form.	Page 140

1 A. No, it was about approximately a 2 year, yes. 3 Q. About a year? 4 A. He was in the insurance business for 5 a year or two prior to that. 6 Q. Did Steele, your son, apply for the 7 position? 8 A. Yes. 9 Q. And who else applied when Steele 10 Cadden was hired as an account executive? 11 A. I don't know the answer to that 12 question. We have people all the time apply for 13 jobs. 14 Q. Was it announced within the 15 department within the Birmingham office that 16 there was an account executive position open when 17 your son got it? 18 A. It was published on our website. 19 Q. Was it posted outside of the office? 20 MS. BARLOTTA: Object to form. 21 A. That would be a question for the 22 recruiters. 23 Q. And he was hired in July of '23?	Page 141	1 account executive, Cathy Roussell or your son? 2 MS. BARLOTTA: Object to form. 3 A. Cathy has been there longer, yes. 4 Q. She's been there for a long time, 5 hasn't she? 6 A. She has. 7 Q. What about Rhonda Brasher? Do you 8 know Rhonda Brasher? 9 A. I do. 10 Q. Been there for a long time, hasn't 11 she? 12 A. She has. 13 Q. Who had more experience as an account 14 executive, Rhonda Brasher or your son? 15 MS. BARLOTTA: Object to form. 16 A. Rhonda did. 17 Q. Safe to say that Cathy, Rhonda, 18 Yvette had substantially more experience as 19 account executive than your son? 20 MS. BARLOTTA: Object to form. 21 A. Yes. 22 Q. What about Brandi Russell? Do you 23 know her?	Page 143
1 A. I'd have to check that. 2 Q. Last summer sometime? 3 A. No. He's been with us -- I'm sorry. 4 I misspoke. He's been with us two years. I 5 apologize. 6 Q. But he started the launch program 7 last summer? 8 A. Yes. 9 Q. Okay. I may have had that messed up. 10 Sorry about that, Mr. Cadden. 11 Well, who had more experience as 12 account executive, Yvette or Steele? 13 MS. BARLOTTA: Object to form. 14 A. Yvette. 15 Q. Did you know Cathy Cochran? 16 A. Cathy Cochran? Does she have a 17 different last name by chance? 18 Q. She may. She may have gotten 19 married. Russo? 20 A. Roussell? 21 Q. Roussell? 22 A. Yeah, I know Cathy. 23 Q. And who had more experience as	Page 142	1 A. I do. She works for Rusty Hughes. 2 Q. Safe to say she had substantially 3 more experience as an account executive than your 4 son? 5 A. She did. 6 Q. Marie Powe, do you know her? 7 A. Maria, yes. 8 Q. Maria. Substantially more experience 9 as an account executive than your son? 10 A. Yes. 11 Q. Denise Lovoy? 12 A. Denisa, uh-huh (positive response). 13 Q. Substantially more experience as an 14 account executive than your son? 15 MS. BARLOTTA: Object to form. 16 A. Correct. 17 Q. Is it safe to say that these 18 individuals also had -- the women that I've just 19 named -- substantially more experience than Ross 20 Robertson, Charles Fisher, and Peyton? 21 MS. BARLOTTA: Object to form. 22 A. Yes. 23 Q. Do you know Andrea Sutton?	Page 144

<p>1 A. I do.</p> <p>2 Q. Is it fair to say that she had</p> <p>3 substantially more experience than all of the men</p> <p>4 that got to go to the launch program, Ross</p> <p>5 Robertson, Charles Fisher, Peyton, and your son?</p> <p>6 MS. BARLOTTA: Object to form.</p> <p>7 A. Yes, she has more experience.</p> <p>8 Q. Danielle Livingston, do you know her,</p> <p>9 Danielle Livingston?</p> <p>10 A. Yes.</p> <p>11 Q. Substantially more experience than</p> <p>12 your son, Steele Cadden, Charles Fisher, Peyton,</p> <p>13 and Ross Robertson?</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 A. Yes.</p> <p>16 Q. Sarah Dunston, do you know her?</p> <p>17 A. I do.</p> <p>18 Q. Safe to say she has substantially</p> <p>19 more experience as an account executive than Ross</p> <p>20 Robertson, Charles Fisher, Peyton, and Steele</p> <p>21 Cadden?</p> <p>22 A. Oh, she's --</p> <p>23 MS. BARLOTTA: She's wasn't there.</p>	<p>Page 145</p> <p>1 MS. BARLOTTA: Yeah, but does it say</p> <p>2 that she's currently employed?</p> <p>3 MS. WILKINSON: That's what this list</p> <p>4 represents.</p> <p>5 MS. BARLOTTA: According to who?</p> <p>6 It's a list of people who were employed when</p> <p>7 Kathryn was there.</p> <p>8 Q. Do you know Spencer Whitlock?</p> <p>9 MS. BARLOTTA: No, no, no. Let's</p> <p>10 clear the record. I think that this was a list</p> <p>11 of the people that were there when Kathryn was</p> <p>12 there. So I don't know that there's a</p> <p>13 representation in sending this that she was</p> <p>14 employed at the time. So I just want to make</p> <p>15 that clear for the record.</p> <p>16 Q. Do you know Spencer Whitlock?</p> <p>17 A. I don't --</p> <p>18 Q. And that's okay if you don't know.</p> <p>19 A. I don't recall that name, but --</p> <p>20 Q. What about Amber Varner?</p> <p>21 A. I do know Amber Varner.</p> <p>22 Q. Substantially more experience than</p> <p>23 the four males?</p>
<p>1 A. She's no longer with the firm. She</p> <p>2 left to go pursue a job in London.</p> <p>3 Q. Good for her. When did she leave?</p> <p>4 A. I -- years ago.</p> <p>5 Q. Okay.</p> <p>6 A. And she was terribly missed, and we</p> <p>7 had high hopes for her.</p> <p>8 Q. So when did she leave?</p> <p>9 A. I couldn't tell you, but it's been</p> <p>10 years.</p> <p>11 Q. Like --</p> <p>12 A. Way pre-Covid.</p> <p>13 Q. Certainly before 2019?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. But she's on the list. So</p> <p>16 this was sent to the EEOC in 2020, so I'm not</p> <p>17 real sure why she's listed as a current employee.</p> <p>18 What about Spencer Whitlock, do you</p> <p>19 know Spencer Whitlock?</p> <p>20 MS. BARLOTTA: I don't know that</p> <p>21 she's listed on here as a current employee.</p> <p>22 MS. WILKINSON: I'm looking right at</p> <p>23 her, Sarah Dunston.</p>	<p>Page 146</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 A. She's been there longer, yes.</p> <p>3 Q. Tonya Vance, do you know Tonya?</p> <p>4 A. She's got to have a different last</p> <p>5 name. I'm not sure who Tonya Vance is.</p> <p>6 Q. Okay. Andrea Moore?</p> <p>7 A. I don't -- where do you see Andrea</p> <p>8 Moore, ma'am? I'm sorry. I don't see it.</p> <p>9 Q. That's okay. If you don't know them,</p> <p>10 that's okay, Mr. Cadden. I'm just asking about</p> <p>11 if you know --</p> <p>12 A. I should know them, so I don't see</p> <p>13 her. Andrea Moore?</p> <p>14 Q. Tiffany Sanders, do you know her?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Does she have substantially</p> <p>17 more experience than the four male employees?</p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 Q. As an account executive?</p> <p>20 A. I'm not sure how long she's been with</p> <p>21 the company.</p> <p>22 Q. Since 2018.</p> <p>23 MS. BARLOTTA: Object to form.</p>

1 A. Yes. 2 Q. Okay. Do you know Mandy Pender? 3 A. I do. 4 Q. And she has substantially more 5 experience as an account executive than the four 6 males that got to go to the launch program? 7 MS. BARLOTTA: Object to form. 8 A. Yes. 9 Q. Does this concern you, that I've just 10 named off thirteen, fourteen women with 11 substantially more experience as account 12 executives than these four men who got to go to 13 the launch program? 14 MS. BARLOTTA: Object to form. 15 A. No. 16 Q. Does that indicate to you that there 17 might be a problem with gender discrimination? 18 MS. BARLOTTA: Object to form. 19 A. No. 20 Q. Or that out of the fifteen account 21 executives, only two are men? 22 MS. BARLOTTA: Object to form. 23 Q. On this chart?	Page 149	Page 151
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<p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 STATE OF ALABAMA)</p> <p>4 JEFFERSON COUNTY)</p> <p>5</p> <p>6 I HEREBY CERTIFY that the above</p> <p>7 and foregoing transcript was taken down by me in</p> <p>8 stenotype, and the questions and answers thereto</p> <p>9 were transcribed by means of computer-aided</p> <p>10 transcription, and that the foregoing represents</p> <p>11 a true and correct transcript of the testimony</p> <p>12 given by said witness.</p> <p>13 I FURTHER CERTIFY that I am</p> <p>14 neither of counsel, nor of any relation to the</p> <p>15 parties to the action, nor am I anywise</p> <p>16 interested in the result of said cause.</p> <p>17</p> <p>18 </p> <p>19 /s/Tanya D. Cornelius</p> <p>20 TANYA D. CORNELIUS, RPR</p> <p>21 ACCR #378 Expires 10/1/2024</p> <p>22 Notary Expires 9/13/26</p> <p>23</p>	Page 153

Please return the signature page, correction sheet, and transcript within 30 days. The list of corrections will be attached to the original deposition and all parties will be notified of any changes.

Thank you for your prompt attention to this matter.

Sincerely,

Tanya Cornelius
Certified Court Reporter

WITNESS SIGNATURE PAGE

In Re: Read and sign of Video Deposition of John Cadden

I, _____, hereby certify that I have read the foregoing transcript of my deposition and it is a true and correct transcript of the testimony given by me at the time and place stated with the corrections, if any, and the reasons therefore noted on a separate sheet of paper and attached hereto.

Video Deposition of John Cadden

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 202____.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

Video Deposition of John Cadden

1 / 31 / 2024

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Errata Sheet

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